

कात्यायनस्मृतिसारोद्धारः

OR

KĀTYĀYANASMṚTI

ON

VYAVAHĀRA (LAW AND PROCEDURE)

Text (reconstructed), Translation, Notes and Introduction

(*Reprint from the Hindu Law Quarterly, Bombay*)

BY

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P R E F A C E

While engaged in writing a history of dharmaśāstra, it occurred to me several years ago that it would be a very useful and interesting thing if I culled together from the several *nibandhas* the quotations from the dharmaśūtra of Śaṅkha-likhita, that of Hārīta and the smṛti of Kātyāyana (on vyavahāra) and reconstructed these works. The former I published in the Annals of the Bhandarkar Oriental Institute at Poona (vide volumes VII-VIII) and the latter is now offered here. Kātyāyana represents the high watermark of smṛti literature on judicial procedure and the substantive law of inheritance, contracts &c. In the following pages about one thousand verses of Kātyāyana on vyavahāra will be found collected from about a score of Sanskrit commentaries and digests and presented under appropriate topics. It is further proposed to translate these verses into English, to add explanatory and illustrative notes, to point out the provisions of the modern Indian Statute Law wherever the parallels are striking and to indicate the important cases wherein the texts of Kātyāyana have been relied on. Dr. Jolly intended to publish a similar restoration of Kātyāyana, but did not carry out his intentions. Mr. Narayan Chandra Bandopadhyaya published about 800 verses of Kātyāyana at Calcutta in 1927. But he left the work incomplete in several respects. He collected passages from five works only, viz. the Dāya-

bhāga, the Vivādaratnākara, the Smṛticandrikā, the Parāśara-Mādhaviya and the Vīramitrodaya. He did not cast his net over a wide area and so his restoration is not as thorough as could be wished. Besides he did not publish a translation nor did he append explanatory notes. It is my intention to add also an introduction on the age of Kātyāyana and his importance in the ancient Hindu Law. In my history of Dharmaśāstra, which will be published in a few weeks, these topics have been dealt with (at pp. 213-221), but I propose to enter into greater details in the introduction to this work. References have been given as to each verse and important readings have been pointed out. I hope that this work on which I have spent much of my time will be found useful and suggestive to all those who are interested in the development of Hindu Law and in the study of comparative jurisprudence.

The system of transliteration adopted here is that of the Bhandarkar Oriental Institute. The works consulted, the editions used and the abbreviations employed in the notes to the text are noted below.

P. V. Kane.

BIBLIOGRAPHY AND ABBREVIATIONS

अपरार्क—commentary of Aparārka on the Yājñavalkya-smṛti
(published by the Ānandāśrama Press, Poona)

कुङ्कु—commentary of कुङ्कु on मनुस्मृति (Nirṇayasāgara edition)

कृत्यकल्पतरु—Ms of the कृत्यकल्पतरु or कल्पतरु of रुद्रमीश्वर on राजधर्म
from the India Office collection and a Ms of a fragment of
the व्यवहार portion in the Benares Sanskrit College

टोडरानन्द—Ms in the Deccan College collection (now at the
Bhandarkar Institute) of the portion on vyavahāra called
Vyavahārasaṅkhyā

रावतारव of रघुनन्दन (printed by Jivananda)

रायमाण of श्रीमूतवादन (Jivananda's edition 1893)

परा भा = पराशरभाष्यवीर (vol III)—com of भाष्यवाचस्पति on the
पराशरस्मृति (Bombay Sanskrit Series edition)

मद वा = मदनपारिजात (ed in Bibliotheca Indica series, Calcutta).

मिता० = मिताग्रह of मित्रनेश्वर a com on याज्ञवल्क्यस्मृति

मेधा = भाष्य of मेधातिथि on मनुस्मृति (ed by Mr J R Gharpure)

राज र = राजनीतिरत्नाकर of चण्डेश्वर edited by Mr K. P. Jayswal,
Patna

वि वि = विवादवितामणि of वाचस्पतिमिश्र (Calcutta edition of 1837).

वि र = विवादरत्नाकर of चण्डेश्वर (published in the Bibliotheca
Indica series)

विश्वरूप—com of विश्वरूप on याज्ञवल्क्यस्मृति (Trivandrum Sanskrit
series)

वीर० = वीरमिश्रोदय of मिश्रमिश्र (on व्यवहार published by Jivananda
and on राजनीति in the Chowkhamba Sanskrit series)

व्यव ट = व्यवहारतरव of रघुनन्दन (edited by Jivananda)

व्य म = व्यवहारमयूख of मंडलकर (edited by me for the Govt.
Oriental series Poona 1926)

म्य मा. = मयवहारमातृका of जीमूतवाहन (edited by Sir Asutosh Mukerji in vol. III of the Memoirs of the Asiatic Society of Bengal).

स. वि = सरस्वतीविलास of प्रतापनरदेव { published in the Mysore Govt. Oriental Library series).

सुगतिव० = सुगतिविलास of देवगुप्त { published in the Mysore Govt. Oriental Library series)

हरदत्त—हरदत्त's commentaries on गीतमयमसूत्र (Ānandāśrama Press) and आपस्तम्बमसूत्र) (Kumbhakonam edition)

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INTRODUCTION.

Kātyāyana occupies a very prominent place among *smṛti* writers on law and procedure. Next to Nārada and Brhaspati he is cited on *vyavahāra* more frequently than any other *smṛtikāra* in such commentaries and digests as the *Mitākṣarā*, the *Smṛticandrikā*, the *Varamitrodaya* and the *Vyavahāra-mayūkha*. Kātyāyana's work on law and procedure must have been of considerable extent. In the present work, over nine hundred quotations from Kātyāyana have been collected. The *smṛti* of Nārada as printed by Dr Jolly contains 1028 verses while the quotations from Brhaspati collected and translated by the same learned scholar in the *Sacred Books of the East* series (vol. 33) number 637 verses. Therefore even on a very modest computation the *smṛti* of Kātyāyana on law and procedure must have contained about fifteen hundred verses, if not more. This conclusion is further strengthened by a comparison of the number of quotations from Kātyāyana on certain

Topics	Verses in Yāj	Verses in Nārada	Verses from Br.	Verses from Kāt
Courts, procedure, plaint, reply and trial	21	136	128	189
Documents	11	12	31	64
Witnesses	16	82	85	72
Ordeals	19	103	33	53
Deposits &c.	11	15	15	20
Partnership	7	18	32	14
Resumption of gifts	2	12	11	19
Breach of contract of service	3	43	20	19
Sale by one not the owner	6	6	11	12
Violation of conventions	8	7	24	15
Boundary Disputes	9	42	29	36
<i>Dāyabhāga</i>	35	52	101	95
<i>Vākṣpārasya</i>	8	32	15	11
<i>Dandapārasya</i>	18	8	16	16
<i>Prakṛpaka</i>	13	55	26	30

selected topics of law and procedure with the number of verses devoted to the same topics in the works of Yājñavalkya and Nārada and in the quotations from Bṛhaspati. The above table will be very instructive from this point of view.

A few observations about the text presented would be quite appropriate here. Owing to oversight a few verses have been repeated (viz 253 and 507, 477-78, 537-88, 471 and 641, 566 and 654-488 and 957). In a few cases the text of Katyāyana is presented in two versions (viz 61-62, 174-175, 537-538, 800-900) by the authorities consulted in reconstructing the text. About a dozen verses are somewhat obscure or difficult of explanation as we are ignorant of their proper setting or context (e.g. vv 17, 160, 256, 300-10, 401, 541, 700, 851, 932, 971). A few of the verses here presented as Katyāyanas are ascribed by some authorities to other smṛti-kāras. The following tables will illustrate this.

(1 Ascribed to Bṛhaspati.)

Verses	by whom ascribed	Verses	by whom ascribed
58-54	Sm. C	536	Par. M. and V. M.
*58	Vir.	*539	Vir.
*141-142	Apar. and Sm. C	550	Sm. C, Par. M. V. R.
*162	Par. M.	568	V. R.
164-165	Par. M.	621-623	Apar.
167	Vy. Mat.	670-680	V. R.
170	Par. M.	636	Apar, V. R.*
*171	Vir.	692	V. C. and V. R.
206	(first half line) Vir.	695	V. R. and V. C.
208	Vy. Mat.	757	Apar. and Par. M.
219	Par. M.	822A	Gṛhasatharatnakara
282	Par. M.	832-833	Sm. C.
291-93	Apar.	889-91	Sm. C.
329	Par. M.	963	Par. M.
378	Apar, V. M., Vir.		
*439	Saras.		
*496	Vir.		
600	Sm. C.		

1. It will be noticed from the notes attached to the text and the English notes that the verses marked with an asterisk are ascribed to both Bṛhaspati and Katyāyana even in some of the earliest digests and commentators like Viśvarūpa and the Vyavahāra mātṛkā.

(2 Ascribed to Nārada)

Verses	by whom ascribed	Verses	by whom ascribed
27	Sm C.	774	Sm C
159	Vy Mat	811	Mat, Par M.
331-32	Sm C	820	V R
333 334	Sm C.		

(3 Ascribed to Manu)

82	Vy Mat	519	Mat
605 ¹	Vir	746	Vir

(4 Ascribed to Vyāsa)

103	Sm C	282-334	V. M.
105	Sm C	595	Vir.
216	Sm C, Va	597 ²	Par M
242	Vir	622-95	Par. M
		854	D B

Besides these, verses 908 909 and 916 are ascribed to Devala by the Vyavaharanyukha, verses 425-426 are ascribed to Pitāmaha by the Viramitrodaya and verses 485 86 to the same author by the Parāśaramādhaviya, verses 402-403 are ascribed to Prajapati by the Parāśaramādhaviya, verses 394 5 are ascribed to Vasistha by the Smṛticandrika and several other digests and verse 404 to the same author by the Smṛticandrikā, verses 418-419 are ascribed to Vṛddha Manu by the Sarasvatī vilāsa, verse 659 to the same by the Viramitrodaya and verses 818 19 to the same the by Vivadaratnākara

Several verses quoted as Katyayana's in the digests occur in the printed Nārada. The following are such verses 73,³ 82⁴, 91⁵, 129 169, 249 280, 305 321, 345, 356 357, 400-401 437, 451, 455, 493 494 553 569 70 825, 893-94 896 698 99, 714, 780 31, 765-86, 769, 893 939. The corresponding verses of

1 Verses 159 and 820 are ascribed to both Nārada and Kāt by some writers

2 Verse 605 is ascribed to both Kāt. and Manu and is not found in Manu

3 Verse 597 is ascribed to both Vyāsa and Kāt by Vir

4 This is also found in Manu

5 82 is ascribed to both Manu and Kāt. by the Vy Mat

6 91, 356 57 are ascribed to both Nar and Kat by the Mat. and 129 to both of them by the Todarānanda

Nārada are indicated in the notes to the translation. A dozen verses attributed to Kātyāyana are found in Manu¹. Besides verses 83 and 884A occur in the Kauṭhya Arthaśāstra, and verses 326 and 327 are the same as Vishnu V 166-167 and verses 463 and 716 (first half) are the same as Yājñavalkya II 113 and 183 (latter half).

It is impossible to hold that verses of other authors were in all such cases ascribed to Kātyāyana owing to lapses of memory on the part of the authors of digests or to the careless copying of manuscripts. The fact that such early writers as Vyāsa and Jīmūtavahana ascribe several verses to two authors should rather induce us to hold that some verses were borrowed by Kātyāyana, Brhaspati and others from still earlier works which are now lost or that Kātyāyana boldly took some verses from his predecessors and incorporated them in his work.

The predecessors of Kātyāyana.

The authors and schools expressly named by Kātyāyana are Bhṛgu, Brhaspati, Gargiyas (v 649), Gautamas² (v 823), Kauṭika (v 825), Lakṣita (v 810), Mānavas (vv 649, 823), Manu (vv 432, 573, 792). It is to be noted that in v 519 Kātyāyana himself is mentioned. It is possible that instead of saying 'this is my view', he uses the less emphatic and more modest method of giving his own views. One remarkable fact is that the views ascribed to Manu and the Mānavas are not found in the extant Manusmṛiti. On the contrary the view of the extant Manu is opposed to that of the Mānavas indicated in v 823. It is possible that the reading 'pravasanam' (in v 823) is wrong and we have to read in its place 'pramāṇam'. In that case only that verse referring to the views of the Mānavas will agree with Manu 9 270. The view ascribed to the Gargiyas and Mānavas

1 342-343=M. 8 79 50 344=M. 8 87 351=M. 8 68 393=M. 8 78 535=M. 8 158 655=M. 8 165 722=M. 8 413, 782=M. 8 286 793=M. 8 265 894=M. 9 194

2 The Gautama-dharmasūtra contains no such rule. The subject of this is treated of in Gautama XII. 14

about taking bribes (v 649) is not the same as that contained in Manu 9 231 Brhaspati is expressly mentioned in the following verses viz 152 170¹ 346 474 537 664 682 718 871, 874 884 As the smṛti of Brhaspati has not yet been recovered and as we have only the quotations from Brhaspati contained in the D gēsts it is not possible to say whether all the views attributed to Brhaspati were really held by him Verse 152 is attributed to Brhaspati by the Par M and to both Brhaspati and Kātyāyana by the Vīramitrodaya We find that the views attributed to Brhaspati in v 884 were held by him as is clear from the six verses quoted by Apararka (p 720) from Brhaspati on Yaj II 119

That Kātyāyana looked upon Brhaspati as a model and as an author whose dēta were entitled to respect follows from several verses of Kātyāyana Verses 29 and 30 show that Kātyāyana had before him the dēta of the 18 titles of law into 'dhanamula (civil) and hīṁṣa mula (criminal) made by Brhaspati Similarly the discussion about decision by dharma vyavahāra caritra and rajasaṁsāra (in verses 35-51) is an elaboration of Brhaspati's teaching on this subject Verses 284 (about three kinds of documents) 477-78 (about the modes of recovering a debt) 470 (which employs the very word narsārtha used by Brhaspati) 497 500 (about several kinds of interest) 564 565 (about the duty of the son as regards the liability of the father incurred through lust or wrath) 644 645 (about the kinds of valid gifts) presuppose a knowledge of Brhaspati's text

The references to Bhṛgu's views are many and create some difficult problems It is generally held that references to Bhṛgu in the smṛtis and d gēsts are intended for the extant Manu smṛti (which is Bhṛgu's version thereof) Even so early a writer as Brhaspati says¹ Bhṛgu spoke of sale without ownership after deposit listen to it attentively I shall speak of it

1 This verse is variously read Vīramitrodaya Bhṛgu—
abrahavī and Todarānanda as Manu abrahavī instead of Gurur
abrahavī

2 निश्वसन् नर दासो मुमुक्षुश्च शाश्वतः । मुक्ता उ मयं नन सविशेष मी
भृद् ॥ from the निवादा नकार p 100

in greater detail. This clearly refers to Manu 8.4 where sale by one not the owner immediately follows 'deposit'. Bṛhaspati elsewhere refers to the extant Manusmṛiti not as Bṛhaspati's work but as Manu's: e.g. 'Manu has spoken of quantities (units of weight etc.) beginning from the mote in the sun beam to the Kāśāpana' (this is an obvious reference to Manu 8.132-136) and 'Manu forbade gambling as it destroys truth, purity and wealth' (this refers to Manu 9.221, 224). Kātyāyana therefore must be regarded as referring to the work of Manu whenever he speaks of Bṛhaspati. But verses 231, 395, 413, 478, 555, 715, 781, 842² wherein the views of Bṛhaspati are referred to have nothing corresponding to them in the extant Manusmṛiti, while the views of Bṛhaspati in verses 432, 515, 672, 801, 872, 884A, 886, 900 correspond more or less with the views of the Manusmṛiti. Kolluka on Manu VIII.350 quotes Kātyāyana's verse (801) and expressly says 'from the mention of the word Bṛhaspati in this verse it is clear that Kātyāyana explains the verse declared by Manu'. Therefore the explanation of the fact that some views ascribed to Bṛhaspati are not found in the extant Manusmṛiti lies in this that either Kātyāyana had a text of Manu largely differing from our extant Manu or that he had another smṛiti of Bṛhaspati before him which has not come down to us or that instead of 'Bṛhaspati' in those verses we have to read 'Guruk' (i.e. Bṛhaspati).

That Kātyāyana nowhere expressly mentions Nārada or Gautilya is a matter for great surprise especially when he mentions Bṛhaspati a dozen times or more. No reason can be assigned for this omission. But from several circumstances it is clear that he knew the smṛiti of Nārada and used it and elaborated it. To take only a few examples Nārada (p. 7 vv. 10-11) states that dharma, vyavahāra, caritra and royal edict are the four feet (padas) of vyavahara and briefly describes in what their essence consists, while Kātyāyana in verses 35-51 elaborately defines these four and dwells at length

1 दक्ष्य राभरजाम्बो मनुना समुदाहता । कार्यापवादः सा दिव्ये निबोन्वा ।
नित्यं तदा ॥ quoted by अररत् on वायु II. 99

2 In v. 842 it is probable that the proper reading is दृष्टव्यं दृष्टव्यं and not-दृष्टव्यं since as pointed out in the notes to the translation, Bṛhaspati has a verse which is almost the same as this.

upon their conflicts and interactions. In verse 202 Kātyāyana prescribes the fines for five kinds of *hinauvodis* which are enumerated by him in the same order in which they occur in Nārada (S B E vol 33 p 31 v 33). In a very long list about persons incompetent to be witnesses Nārada (pp 86 89 vv 177 187) mentions 'śanābhi' (180) and *rajaपुरा* (v 185). These two are defined by Kātyāyana in vv 362 and 364 respectively. Nārada (p 24 v 1) says that a plaintiff comes to court after considering the strength of his own case and after resolving to prosecute his cause and so should write down the plaint at once. Kātyāyana, according to the *Vyavahara mātṛkā* explains in verse 134 the force of two adjectives in that verse of Nārada. Nārada (p 120 v 8) enumerates seven kinds of gifts two of which are *bhṛta* and 'pratyupakaratah'. In vv 644 645 Kātyāyana explains at length what is meant by these two terms. Bṛhaspati also mentions the seven kinds of gifts of which *bhṛta*¹ is one. But Kātyāyana uses the very word 'pratyupakaratah' that occurs in Nārada while the corresponding word in Bṛhaspati is *upakārin*. Nārada enumerates (pp 130-136 vv 26 28) fifteen kinds of slaves two of which are 'piavrajyavanta and *anākāla bhṛta*. Both of these are mentioned in the same words by Kātyāyana in verse 731 the latter half of which is the same as Nārada (p 136 v 31 first half). These examples leave no room for doubt that Kātyāyana had before him the work of Nārada and tried to elucidate and elaborate the laconic treatment of law in it.

Another important problem is to consider the relation of Kautilya and Kātyāyana. In the notes to the translation of the verses 466 620 755 843 845 857 861 902 921 it has been shown how closely Kātyāyana agrees with Kautilya in some cases the very words of Kautilya in prose occurring in the garb of verse in Kātyāyana. Two verses as shown above are common to both. Considering how advanced general jurisprudence, rules of procedure and substantive law are in Kātyāyana there can be no doubt that Kātyāyana is later by

1 भृतिरुद्वा अप्युक्त्वा सर्वमुपकारिणे । महाद्वयस्य स्या दत्तं सप्त दश
पाद ॥ quoted in Vir p 398

several centuries than Kautilya. Therefore if there is a borrowing it must be Katyāyana who borrows. It is not unlikely that both may have borrowed, particularly the two verses that are common to both, from still earlier sources.

Characteristics and special doctrines of Katyāyana

(1) Katyāyana represents the high watermark of smṛti rules about procedure. In some respects he goes even beyond Nārada and Bṛhaspati and is more stringent and elaborate than those two writers. For example in verse 221 he propounds a rule similar to the rule of constructive *res judicata*.

(2) He has a great penchant for distinctions and gives numerous definitions, such as those of vyākhaṇa, prādivākha, stobhaka, tṛiṭa, anuṣṭa sāmanta, manā, vṛddha &c.

(3) He coins several new terms. He makes a distinction between *jayapātra* and *prasthāna* (vv 259-265) while all other writers employ the word *jayapātra* for all judgments (whether delivered after a contest or *ex parte*). Kautilya no doubt uses the word *prasthāna* but it is used in a different sense.¹ He separately defines (vv 576-578) wealth obtained by 'saurya' and 'dhvajābhṛta', while Nārada and Bṛhaspati includes both under 'sauryaadbhara'. Similarly he makes a distinction between 'bhāryādharma' and 'bhāryādharma' (vv 979-980), while Nārada (p 180 v 6) and Bṛhaspati (p 331 v 78) include both under 'bhāryādharma'.

(4) He gives a more elaborate treatment of 'vidyādhana' (vv 567-573) than is contained in any other smṛtikāra.

(5) He devotes at least 27 verses to Śtrīdhana and his treatment of that topic has attained classical rank. Nārada devotes only two verses (dāyabhāga verses 8-9) to that topic, Yājñavalkya only six and the quotations from Bṛhaspati on this topic are not many.

१ यामिनि यमप्रतिज्ञाद्वारा १५ १५१ : If a man (defendant or accused) does not reply to a charge of injury (or assault) then he is defeated (or punished) that very day.

(6) Kātyāyana (v 530) speaks of five kinds of sureties, while Nārada knows only three and Yājñavalkya and Bṛhaspati only four

(7) In verses 16-17 he allows only a limited (and not absolute) ownership to the king over all land

(8) The court consisted of the judge, the *sabhyas*, brahmanas merchants (vv 57-59)

(9) Champerty and maintenance were not countenanced (vv 89-90)

(10) The employment of recognised agents and pleaders was permitted (vv 91-92) Nārada (p 29 vv 12-13) has similar provisions

(11) Kātyāyana holds, differing from Vasiṣṭha Yājñavalkya and other sages, that a man has no ownership over his wife or son and cannot sell his son (v 471)

(12) Kātyāyana allowed the pledge of an article without possession (vv 517-518)

(13) Kātyāyana (v 857) allows one fourth to a son who is not aurasa, when an aurasa son is born to the father, provided the former is of the same caste. In Manu and Yājñavalkya no such proviso is added

(14) Kātyāyana permits the practice of *nyaya* following ancient writers like Gautama Vasiṣṭha, Yājñ and Nārada though it was condemned by Manu (9 64-66) and Bṛhaspati (p 369 vv 12-13)

The date of Kātyāyana

The foregoing discussion has established that Kātyāyana is later than Kauṭilya, Yājñavalkya Nārada and Bṛhaspati. In his treatment of ordeals he is less elaborate than Piṭāmaha. Piṭāmaha quotes Bṛhaspati.¹ So Kātyāyana is later than Bṛhaspati and earlier than Piṭāmaha. The external evidence will enable us to arrive at a more precise date. Kātyāyana

1 *मानवोर्ध्वगुरुमेवोत्तमपितृनिर्दिष्टात् ॥ अथवा अतिरिक्त निर्देशो दृष्टव्यः ॥* quoted in *संस्कृत-शिल्प-III* p 58. Vide Br p 287 v 28

is profusely quoted by the *Mitākṣarā* *Aparīkṣā* and other writers of the 11th and 12th centuries as a *smṛtikāra* of equal authority with *Yājñavalkya*, *Nārada* and *Bṛhaspati*. In their opinion therefore he was an ancient author. In the *Valipattana* plate of the Śākāra king *Ratnarāja* dated take 932 (1010 11 A D) one verse of *Kātyāyana* (296) about the requisites of a valid royal edict is quoted as a *smṛti*.¹ *Medhātithi* on *Manu* (VII 1) ascribes to *Kātyāyana* the rule that in case of conflict between the dictates of *dharmaśāstra* and of *arthaśāstra*, the king should prefer the former (v 20). *Medhātithi* on *Manu* VIII 216 speaks of a *Kātyāyanasūtra*.² Whether he refers to another work of *Kātyāyana* in prose or whether *Kātyāyana's* *smṛti* on *vyavahāra* included prose passages also, or whether *Medhātithi* only gives in prose the purport of a verse of *Kātyāyana* similar in principle to v 657 it is difficult to say. The second alternative is almost improbable, as no other commentator or digest has quoted a single prose passage on *vyavahāra* from *Kātyāyana*. In favour of the first alternative, it may be urged that *Kātyāyana* is enumerated as one of the expounders of *Dharma* in *Saṅkha-Lekhita*, *Yājñavalkya* (1 4-5) and *Parāśara*. As the quotations from *Kātyāyana* represent a *śā* of jurisprudence later than the extant *Yājñavalkya*, the reference to *Kātyāyana* in *Yājñavalkya* must be to some earlier work of another *Kātyāyana* or the verses about the expounders of *dharma* in *Yājñavalkya* must be a later addition. As *Medhātithi* knew a verse of *Kātyāyana* which is quoted by the *Mit* and other digests there can be little doubt that *Medhātithi* at least knew a work in verse of *Kātyāyana*. Therefore it appears that the third alternative referred to above is more probable than the other two. *Medhātithi* flourished between 825-800 A D (vide my *History of dharmaśāstra* Vol I p 275). *Viśvarupa* (on *Yaj*) quotes eleven verses of *Kātyāyana* (124 125, 126, 130 136, 139, 140 141, 541, 806 828). *Viśvarupa* flourished in the first half of the 9th century (vide *History of dharmaśāstra* p 263). *Viśvarupa* looked upon *Kātyāyana* as a great *smṛti* writer like *Yaj*,

1 Vide 'Indian Historical Quarterly' for 1928 p 218

2 'ये दान्य कारचित्कर्म्मणि धनमावध्य वर्धते निर्वर्तेतेति कात्यायनीयं द्यो धनमा
१२५ आस्त्य धनव्यव कारदित्ता यदि वर्धते निर्वर्तेत सोपि तद्वर्धतेत्यनुवह'.

Nārada and Bṛhaspati. This position he could not have attained in a century or two. Hence Kātyāyana cannot be placed later than 600 A. D. As Kātyāyana is later than Yājñavalkya, Nārada and Bṛhaspati he could not have flourished before the 3rd or 4th century A. D. Therefore the smṛti of Kātyāyana must be placed between 300 to 600 A. D.

There is a work called Karmapradīpa on śāstra, śrāddha and other topics (excluding vyavahāra) ascribed to Kātyāyana. Vide History of dharmaśāstra Vol. I pp. 218-221 for a discussion as to its authorship and other matters.

Kātyāyana and Western Jurisprudence

Kātyāyana represents the last stage of the development of law and procedure in the smṛtis. He comes almost at the end of the period of about a thousand years during which from scanty and scattered beginnings in the earliest Dharmaśāstras, principles of an indigenous system of jurisprudence were slowly evolved and matured. It would be unfair to institute a comparison between Kātyāyana and modern jurisprudence of this or the last century. Even so, some of his rules such as those about the contents and characteristics of good plaints and written statements, about the evidence of witnesses and about documents about constructive *res judicata* are startling in their modernity. A study of the vestes indicated in the Index where there is a close correspondence between the dicta of Kātyāyana and modern Anglo-Indian Codes (such as the Civil Procedure Code, the Contract Act, the Evidence Act the Limitation Act the Transfer of Property Act) will amply corroborate this statement. In order to appreciate the intrinsic merits of ancient Indian Jurisprudence as represented by Kātyāyana, the proper course would be to compare it with the most developed system of ancient Jurisprudence in the West, viz., the Roman. Kātyāyana probably flourished as shown above about the same time as Justinian (483-565 A. D.) or perhaps a century or two earlier. In the following an attempt will be made to compare a few of the dicta of Kātyāyana with the Institutes of Justinian, the great Roman legislator and it is hoped that it will be found that both present a striking

The rules of Hindu law were therefore more equitable to the acquirer than the rule of Justinian.

According to ancient Roman Law if any one had received *bonafide* by purchase, gift or other legal means a thing from a person who was not the owner he became the owner by one year's use in the case of moveables and by two years' use in the case of immoveable property situated in *solum Italicum*. Justinian (Lib II Tit VI) altered these unreasonably short periods and prescribed that moveables should be acquired by user for three years and immoveable property by the 'possession of long time' i.e. for ten years for persons present and twenty years for persons absent, wherever the property might be situated. Ancient Indian jurisprudence showed more concern for rights of ownership in property. Ancient writers like Manu (VIII 147) and Gautama (XII, 34) held that if a chattel were enjoyed for ten years before the eyes of the owner by another without protest the ownership was lost. Yajñavalkya (II 24) appears to have prescribed 20 years in the case of immoveable property and ten years in the case of moveables for loss of ownership by adverse possession. Narada (p 62 v 89 and p 63 v 91) prescribed that possession within living memory cannot confer ownership if unaccompanied by title but when it has been enjoyed for three generations and thus passes beyond living memory it becomes independent proof of ownership. But there was divergence about what was meant by living memory or 'three generations'. Brhaspati (p 313 vv 23 24) says that a generation means a period of 30 years so three generations would come to about 90 or 100 years and this is the period of living memory according to the *Mitā* Kṣarā on Yajñavalkya (II 27). Vyāsa followed a middle course and cut down the period of living memory to sixty years and Kātyāyana (v, 318) does the same. Considering the natural inclination of most strong men to seize the property of the weak and the unsettled state of the country in those times owing to wars and foreign invasions the period prescribed by Kātyāyana is not unreasonable. It may be noted that till the passing of the Prescription Act (2 and 3 William IV Chapter 71) English law clung to the singular rule that the expression 'time immemorial' included and denoted the whole period of time from the reign of king Richard I (1189

A.D.) and that the Prescription Act prescribes a period of sixty years for making a right by enjoyment absolute and indefeasible

Justinian (Lib II Tit VI 1, 9) prescribed that possession however long would not confer ownership in the case of free persons, sacred or religious things, fugitive slaves and things that belong to the state *fiscus*. A similar rule is given by Kātyāyana (v 380)

According to Justinian (Lib III Tit XIV. 2-3) he who receives a thing but for his use (*commodatum*) is bound to employ his utmost diligence in keeping and preserving it and it would not be sufficient for him to show that he had taken the same care of it which he was accustomed to take of his own property. But a person with whom a thing is deposited (*depositum*) was only answerable if he was guilty of fraud and not for a fault such as carelessness or negligence. Kātyāyana on the other hand places all kinds of bailment on the same footing (v 592) and prescribes for all bailments the rule that the bailee would not be liable if he takes as much care of the thing bailed as he takes of his own property (v 594, 598). That the rule of Kātyāyana is more reasonable will be clear to any one and the Indian Contract Act (sections 151-152) requires the same amount of care from every bailee as Kātyāyana

death over slaves to their masters. On the contrary Manu said (VIII 299-300) that a master could not inflict more punishment on his slave than he could inflict on his own son and that punishment was to be administered only on the back (and never on the head) with a rope or a small bamboo stick. Manu (IV 180) enjoined on a man not to quarrel with his parents' children, wife and slaves and laid down that, as a slave was like one's shadow and as the daughter was the highest object of tenderness, one must not even when offended by them show resentment (IV 185). Manu (VIII 416) no doubt prescribed that what a slave acquired belonged to the master. Kātyāyana however (v 724) appears to have held that what the slave got through the favour of his master did not belong to the master. Kātyāyana further provided a remarkable rule (v 729) viz that a master was to be fined two hundred *panas* if being well off he desired to sell a female slave who was devoted to him and who wept over his proposed separation. These and other provisions show that the ancient Hindu Law as to slaves was decidedly more humane than the Roman Law.

Justinian (Lib III Tit XXIII) says 'If earnest has been given, then whether the contract was written or unwritten, the purchaser, if he refuses to fulfil it loses what he has given as earnest and the seller if he refuses has to restore double'. This very rule occurs in Kātyāyana (v 541).

Kātyāyana was the greatest ancient Indian champion of the rights of women to their property. He defines at great length what is woman's peculiar property. He prescribed that over woman's wealth of the type called *anudayika* (v 901) she had absolute power of disposal, even as regards immoveable property (vv 905-906). Not even the husband nor her son had any power over her peculiar wealth and Kātyāyana went so far as to say that the husband and others, if they deprived her of such wealth, were liable to be fined (vv 912, 916). Comparing these provisions with Justinian's (Lib II Tit VII 3, Lib II Tit VIII, Lib IV Tit VI 37) it appears that the position of the wife as regards property was better under Hindu Law than under Justinian. The position of the wife under the English Common Law was that of utter legal subjection. By that law, as the husband and wife were regarded as one person, the wife

was incapable with some insignificant exceptions, of acquiring or enjoying any property, real or personal, independently of her husband. This continued till so late as 1882, when the Married Women's Property Act (45 and 46 Vict. Chapter 75) was passed. Even after that Act, the old law continues as regards marriages celebrated before 1st January 1883.

It is beyond the scope of this Introduction to compare and contrast exhaustively the rules of Kātyāyana and the Institutes of Justinian. Enough has already been stated to show that a comparison between the two would be far from unfavourable to the Indian sage. The only point of importance in which Justinian can be claimed to have gone much beyond the Indian sage is in the law of wills. Owing to the universal prevalence of the joint family system in India and the practice of adoption the law of wills was not developed in ancient India. Kātyāyana however made a very near approach to wills when he provided that, if a gift was promised by a man for a religious purpose whether in good health or when suffering from a disease, or when a man promised a gift to a brahmana, the son or other heir was to be made to deliver or pay the promised gift even after the death of the promisor (vv. 566, 642).

It is gratifying to see that human reason whether in the East or in the West, reaches fundamentally identical solutions of practical problems, when untrammelled by the dead weight of scriptural authority or when not dwarfed by alien domination.



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ERRATA

N B Misprints that would be easily detected have not been shown

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64	510	कलकटाविहरय	कलकटाविहरय
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65	522	युद्ध	युद्ध
89	735	साम-तमावे-शाम ते	साम तमावेऽशाम त
91	745	स्मृता	स्मृत
91	747	समाहित	समाहिता.
92	755	अनिरुद्धा	अनिरुद्धो
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116	901	विशेषादन—	विशेषादेव—
148	170	'Adharya' means	Adharya
156	207a	'weakness	means 'weakness'
		fate	etc

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Page	Verse	Correct	Incorrect
168	211n	' while in the other two kinds the plaintiff'	' while in the other two kinds the defendant'
185	353n	Omit the figure ' 354 ' and read ' This reading im- mediately after an ornament etc ' in the preceding line	
220	520	as <i>adista</i>	as <i>birdistu</i>
234	566n	30 Mad. 340	50 Mad 34
302	857n	' the father and ' aurasa son take four-ninths each '	' the father and ' aurasa son take one-fourth each '
304	850n	मंत्रसंकारं	मंत्रसंकारं
318	882	वास्तुविभागो	वास्तुविभागो

कात्यायनस्मृतिसारोद्धारः

(राजगुणा)

विनीतः शास्त्रसंपन्नः कोशशीर्यसमन्वितः ।
 ग्रहण्यो दानशीलः स्यात्सत्यधर्मपरो नृप ॥१॥
 स्तम्भोपतापपैशुन्यचापलकोधर्वाजितः ।
 प्रगल्भः सन्नतोदग्रः संभाषी प्रियदर्शनः ॥२॥
 यदयेन्द्रियं जितात्मानं धृतदण्डं चिकारिषु ।
 परीक्ष्यकारिणं धीरमत्यन्तं धीर्निपेवते ॥३॥

(राजधर्मा)

शौर्यविद्यार्थबाहुल्यात्प्रभुत्वाच्च विशेषतः ।
 सदा चित्तं नरेन्द्राणां मोहमायाति कारणात् ॥४॥
 तस्माच्चित्तं प्रबोद्धव्यं राजधर्मे सदा द्विजैः ।
 पचितं परमं पुण्यं स्मृतिवाक्यं न लब्धयेन् ॥५॥
 वेदध्वनिप्रभावेण देवाः स्वर्गनिवासिनः ।
 तेषां तत्र प्रमोदन्ते नृत्तास्तु द्विजपूजनात् ॥ ६ ॥
 तस्माद्यत्नेन कर्तव्या द्विजपूजा सदा नृपे ।
 तेन भूयोपि शक्यं नरेन्द्रत्वं पुनः पुनः ॥ ७ ॥
 सुराध्यक्षश्च्युतः स्वर्गाश्रयरूपेण तिष्ठति ।
 कर्तव्यं तेन तद्विषयं येन तत्त्वं समाप्नुयात् ॥ ८ ॥
 आत्मीये संस्थिता धर्मे नृपा शक्यत्वमाप्नुयुः ।
 अवीचिवासिनो ये तु व्यपेताचारिणः सदा ॥ ९ ॥
 गच्छेत्सम्यगविज्ञाय घशः क्रोधस्य यो नृपः ।
 वसेत्स नरकं घोरे कल्पार्धं तु न संशयः ॥ १० ॥

1 3 कृत्यकल्पतरु, वीर० (राजनीतिप्रकाश) pp 120 121

4-5 वीर० (राज०) p 136 कृत्यकल्पतरु

6 8 कृत्यकल्पतरु वीर० (राज०) p 139

9 कृत्यकल्पतरु, वीर० (राज०) p 145

10 कृत्यकल्पतरु.

एतैरेव गुणैर्युक्तममात्यं कार्यचिन्तकम् ।
 ब्राह्मणं तु द्रुघोतं नृपभक्तं कुलोद्बद्धम् ॥ ११ ॥
 मन्त्रिणो यत्र सभ्याश्च वेदाश्च प्रिययादिन ।
 राज्याद्धर्मात्सुखात्तत्र क्षिप्रं ह्रीयेत पार्थिवः ॥ १२ ॥
 न तस्य वचने कोपमेतेषां तु प्रवर्तयेत् ।
 यस्मादेतैः सदा वाच्यं न्याय्यं सुपरिनिष्ठितम् ॥ १३ ॥
 यत्र कर्माणि नृपतिः स्वयं पश्यति धर्मतः ।
 तत्र साधुसमाचारा निवसेयुः सुखं प्रजाः ॥ १४ ॥
 प्रजानां रक्षणं नित्यं कण्टकानां च शोधनम् ।
 विजानां पूजनं चैव एतदर्थं हृतो नृप ॥ १५ ॥
 भूयामी तु स्मृतो राजा नान्यद्रव्यस्य सर्वदा ।
 तत्फलस्य हि पञ्चभागं प्राप्नुयाद्भान्वधेव तु ॥ १६ ॥
 भूतानां तन्निवासित्वात्स्यामित्य तेन कीर्तितम् ।
 तत्क्रिया बलिपद्मभागं शुभाशुभनिमित्तजम् ॥ १७ ॥
 एवं प्रवर्तते यस्तु लोभं त्यक्त्वा नराधिप ।
 तस्य पुत्राः प्रजायन्ते राष्ट्रे कोशश्च वर्धते ॥ १८ ॥
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 सस्यभागं च शुल्कं चाप्याददाति स पापभाक् ॥ १९ ॥
 अर्धशालोकमुत्तृज्य धर्मशालोकमामजेत् ॥ २० ॥
 बुद्धस्थापि नरेन्द्रस्य तद्ग्राह्यं न विनाशयेत् ।
 न प्रजानुमतो यस्मादन्यायेषु प्रवर्तते ॥ २१ ॥
 अहोरोगार्थिने यस्तु राजा सन्धश्च निवेदयेत् ।
 तत्तारयत्यनन्तं स्याद्धर्माय दानमीदृशम् ॥ २२ ॥
 न्यायेनाक्रम्य यद्गृह्य रिपुर्निर्जित्य पार्थिव ।
 तच्छुद्धं तत्प्रदयं क्षत्रान्यद्योपहृतं वचित् ॥ २३ ॥

11-13 कृत्यकल्पतरु बीर० { राज० } p 178

14-16 कृत्यकल्पतरु, बीर० { राज० } p 254

16-17 कृत्यकल्पतरु, बीर० { राज० } p 271

18-19 बीर० { राज० } p 276, कृत्यकल्पतरु

20 मेधा० on मनु० 7-1

21 बीर० { राज० } p 411, कृत्यकल्पतरु

22-23 कृत्यकल्पतरु

राजा पुरोहितं कुर्यादुदितं ब्राह्मणं हितम् ।
कृताध्ययनसंपन्नमनुब्धं नत्पवादिनम् ॥ १४ ॥

(व्यवहारलक्षणादि)

प्रयत्नसाध्ये विच्छिन्ने धर्माख्ये न्यायविस्तरे ।
साध्यमूलस्तु यो वादो व्यवहारः स उच्यते ॥२५॥
यि नानार्थेऽव संदेहे हरणं हार उच्यते ।
नानासंदेहहरणाद् व्यवहार इति स्मृतः ॥२६॥
न राजा तु वशित्वेन धनलोभेन वा पुनः ।
स्वयं कार्याणि कुर्यात् नराणामविवादिनाम् ॥२७॥
उत्पादयति यो हिंसां देयं वा न प्रयच्छति ।
याचमानाय दौःशील्यादाकृष्योसौ नृपाक्षया ॥२८॥
द्विपदे साध्यभेदात्तु पदाष्टादशतां गते ।
अष्टादश क्रियाभेदान्निष्ठान्यष्टसहस्रशः ॥२९॥
साध्यवादस्य मूलं स्वाह्वादिना यन्निवेदितम् ।
देवाप्रदानं हिंसा चेत्युत्थानद्वयमुच्यते ॥३०॥
पूर्वपक्षश्चोत्तरं च प्रत्याकलितमेव च ।
क्रियापादश्च तेनायं चतुष्पात्समुदाहृतः ॥३१॥
धर्मशास्त्रार्थशास्त्रे तु स्कन्धद्वयमुदाहृतम् ।
जयश्चैवावसायश्च ज्ञे फले समुदाहृते ॥३२॥

24 घ. वि. p. 20.

25 अपरार्क p. 596, स्थितिच० III p. 1, वीर० p. 5, परा. मा. III. p. 6.

26 व्य. मा. p. 283, परा. मा. III. p. 7, कुम्भक on मनु 8. 1. व्य. मा. reads शिवतिः for स्मृतः.

27 व्य. मा. p. 285, योदरानन्द, कुम्भक on मनु 8. 43. व्य. मा. reads न वागमविवादिनाम् for नराणामविवादिनाम्.

28 व्य. मा. p. 285, अपरार्क p. 605.

29 स्थितिच० III p. 3 (latter half only), परा मा. III. p. 20 (reads निष्ठान्यथ सत्त्वधा).

30 स्थितिच० III. p. 27.

31 अपरार्क p. 616, वीर० p. 59, स्थितिच० III. p. 27.

32 स्थितिच० III p. 27.

अप्रवृत्तं कृतं यत्र शुनिस्मृत्यनुमोदितम् ।
नान्यथा तत्पुनः कार्यं न्यायापेक्षं विचर्जेयेत् ॥ ५१ ॥

(धर्माधिकारः)

धर्मशास्त्रविचारेण मूलसारविचनम् ।
यथाधिक्रियते स्थाने धर्माधिकरणं हि तत् ॥ ५२ ॥
प्रातरत्थाय नृपतिः शोच कृत्वा समाहितः ।
गुरुं ज्योतिर्विन्द वेद्यान्देवान्यिन्द्रान्पुरोहितान् ॥ ५३ ॥
यथाहमेतान्संपूज्य सुपुष्पाभरणान्वरैः ।
अभिवन्द्य च गुरोर्दीनं सुमुखांश्च विशेषत् समाम् ॥ ५४ ॥
विनीतवेधो नृपतिः स्वभां गत्वा समाहितः ।
आसीनः प्रादमुच्य स्थित्वा पश्येत्कार्याणि कार्याणाम् ।
सह प्रैषिष्यद्दैश्व मन्त्रक्षेत्र्यैश्च मन्त्रिभिः ॥ ५५ ॥
सप्राद्विवारः सामात्यः सम्राट्पुण्यपुरोहितः ।
ससभ्यः प्रेक्षको राजा स्वर्गे तिष्ठति धर्मतः ॥ ५६ ॥
सह सभ्यै स्थिरैर्युक्ते प्राज्ञैर्मालिङ्गिजोत्तमैः ।
धर्मशास्त्रार्थकुशलैर्यदास्त्रविदारवे ॥ ५७ ॥
कुलशैल्ययोनृत्तपितृभिरमृततरैः ।
यणिग्भिः स्यात्कतिपयं कुलभूतैरधिष्ठितम् ॥ ५८ ॥

52 स्मृतिच० III p. 42 परा मा III p 22, वीर० p 11 (which reads धर्मशास्त्राविवारेण अर्थशास्त्राविवचनम्)

53-54 परा मा III p 22 These are ascribed to वृद्धस्पति by स्मृतिच० (III p 24)

55 स्मृतिच० III p 52 अथ मा p 278 (first two lines)

56 मिता० (on वा II 2), -य मा p 278, स्मृतिच० III p. 30, परा मा, III p 31, वीर० p 41

57 मिता० (on वा II 2) अथ मा p 278, स्मृतिच० III p 33, वीर० p. 41 All except अथ मा read न तु सभ्यै, अथ मा reads प्रज्ञासूते. for प्राज्ञैर्मालिङ्ग and पुनः for पुनः राजा. p 87 has the half verse धर्मता.

58 मिता० (on वा II 2), स्मृतिच० III p 33, परा मा III p 32, वीर० p 41, पदहरतस्य p 109 स्मृतिच० reads कति for कृत्.

श्रोतारो घणितस्तत्र कर्तव्या न्यायदक्षिण ॥ ५९ ॥

(क बदशनकाल)

समास्थानेषु पूर्वाह्ने कार्याणां निर्णय नृप ।

कुर्याच्छास्त्रप्रणीतेन मागणामित्रवर्षण ॥ ६० ॥

दिवस्तस्याष्टम भाग मुन ग कालत्रय तु यत् ।

स कालो व्यवहाराणां शास्त्रदृष्ट पर स्मृत ॥ ६१ ॥

आद्याद्वोष्टभागाद्यदूष्य भागप्रय भवेत् ।

स कालो व्यवहारस्य शास्त्रे दृष्टो मनीषिभि ॥ ६२ ॥

(प्राद्विवाक)

यदा कुर्यान्न नृपति स्वय कार्यचिनिर्णयम् ।

तदा तत्र नियुक्तात् शास्त्रेण शास्त्रपारगम् ॥ ६३ ॥

वक्ष कुलीनमध्यस्थमनुद्वेगम् स्थिरम्

परत्र भीरु धर्मिष्ठमनुच ग्राधवर्जितम् ॥ ६४ ॥

अकूरो मधुर स्निग्ध श्रमायातो विचक्षण ।

उत्साहवानलुब्धश्च वादे योज्यो नृपेण तु ॥ ६५ ॥

एकशास्त्रमधीयाना न विद्यात्कार्यनिश्चयम् ।

तस्माद्ब्रह्मगम काया विष्ठादपूतमा नर्प ॥ ६६ ॥

59 स्मृतिच० III p 38, पर मा III p 31 वार० 1 41 स्मृतिच० reads
"यदिदक्षिणे"

60 अथ मा p 284 वार० p 28 अथ मा reads समास्थान तु and शास्त्र
प्रमाणेन

61 अथ मा p 234 वीर० p 28 परा मा III p 28 व्यवहारतरव p 200

62 अथ मा p 601 स्मृतिच० III p 60

63 अथ मा p 279 स्मृतिच० III p 36 राज र p 18 वीर० p 33
अथ मा and राज० र read यदि राजवशात् ना न परपत्रावनिर्णय
व्यवहारतरव p 193 reads यदा क व्यवसाय गवम् (as अथ मा does)

64 भिता० (on व II 3) स्मृतिच० III p 38 य मा p 279 वीर
p 33 भिता and व मा read दात कुलीनम्

65 स्मृतिच० III p 36 परा मा III 29 (not et d as क व्यवसाय but
from स्मृतिच०)

66 अथ मा p 601 स्मृतिच० III p 36 राज र p 23 वीर p 33
अथ मा reads एक शास्त्रमधीये गो न and राज र reads एक शास्त्र०
राज र reads तरव दुय गम काय विवादनस्य

शालेण निन्दितं त्वर्थमुप्यो राज्ञा प्रचोदितः ।
 आवेदयति यः पूर्वं स्तोभनः स उदाहृतः ॥३३॥
 नृपेणैव नियुक्तो यः परदोषमवेक्षितुम् ।
 नृपस्य सूचयेज्ज्ञात्वा सूचकः स उदाहृतः ॥३४॥

(धर्म व्यवहार चरित्र-राजशासनादीनां मलावरविचारः)

दोषकारी तु कर्तृत्वं धनस्यामी स्वकं धनम् ।
 विवादे प्राप्नुयाद्यत्र धर्मेणैव स निर्णयः ॥३५॥
 स्मृतिशास्त्रं तु यत्किञ्चित्प्रथितं धर्मसाधकैः ।
 कार्याणां निर्णयार्थं तु व्यवहारः स्मृतो हि सः ॥ ३६ ॥
 यदावाच्यते येन धर्म्यं वाधर्म्यमेव वा ।
 देशस्याचरणादित्य चरित्रं तत्प्रकीर्तितम् ॥३७॥
 न्यायशास्त्राविरोधेन देशदृष्टेस्तथैव च ।
 यं धर्मं स्थापयेद्राजा न्याय्यं तद्राजशासनम् ॥३८॥
 युक्तियुक्तं तु कार्यं स्याद् दिव्यं यत्र विचर्जितम् ।
 धर्मस्तु व्यवहारेण बाध्यते तत्र नाम्यथा ॥३९॥
 प्रतिलोमप्रवृत्तेषु तथा दुर्गनिवासिषु ।
 विरुद्धं नियतं ग्राह्यं धर्मं न विचालयेत् ॥ ४० ॥
 निर्णयं तु यदा दुर्यात्तेन धर्मेण पार्थिवः ।
 व्यवहारश्चरित्रेण तदा तेनैव बाध्यते ॥ ४१ ॥

- 33 स्मृतिच० III 65, परा मा III 45, बीर० p 51 परा मा reads
 त्वर्णं मुख्यार्थं and बीर० reads यत्पूर्वं, स्मृतिच० reads मुख्यार्थप्र०
 34 स्मृतिच० III 65, परा मा III, 45, बीर० p 51 बीर० reads नृपेण
 विनियुक्तो...दोषानवेक्षणे, परा मा reads नृपस्य समयं राज्ञा.
 35 स्मृतिच० III p 21, परा मा III p 16, बीर० p 9
 36 स्मृतिच० III p. 29, कृष्णकण्ठपर, परा मा p 17, बीर० p 9 बीर०
 reads नियमार्थेषु for निर्णयार्थं त. कृष्णकण्ठपर reads निर्णयार्थं च and
 स्मृतिशास्त्रे
 37 स्मृतिच० III p 22 परा मा p 17, बीर० p 9, दोष्टानन्द दोष्टानन्द
 reads सप्रदाचर्यते येन धर्मो बाधर्म्यं एव वा
 38 स्मृतिच० III p 22, परा मा III p 17, बीर० p 10
 39 बीर० p 120
 40-41 दोष्टानन्द, बीर० p 120

विरुद्धं न्यायतो यत्तु चरित्रं कल्प्यते नृपै ।
 एषं तत्र निरस्येन चरित्रं तु नृपाश्रया ॥ ४२ ॥
 अनेन विधिना युक्तं वाचकं यद्यनुत्तरम् ।
 अन्यथावाधानं यत्र तत्र धर्मो विहन्यते ॥ ४३ ॥
 अस्वर्ग्यां लोकनाशाय परानीकमथावहा ।
 आयुर्वीजहरी राजा सति वास्ये स्वयं कृतिः ॥ ४४ ॥
 तस्माच्छास्त्रानुसारेण राजा कार्याणि साधयेत् ।
 यास्याभावे तु सर्वेषां देशदृष्टेन सप्रयेत् ॥ ४५ ॥
 यस्य देशस्य यो धर्मः प्रवृत्तः सार्वभौतिकः ।
 धृतिस्मृत्याविरोधेन देशदृष्टः स उच्यते ॥ ४६ ॥
 देशपञ्चतन्त्रोष्ठेषु पुरप्रामेसु वासिनाम् ।
 तेषां स्वसमयेधर्मशास्त्रतोऽन्येषु ते सः ॥ ४७ ॥
 देशस्यानुमतेनेव व्यवस्था या निरूपिता ।
 लिखिता तु सदा धार्म्या मुद्रिता राजमुद्रया ॥ ४८ ॥
 शास्त्रप्रचलतो रक्ष्या ता निरीक्ष्य विनिर्णयेत् ।
 नैगमस्यैस्तु यत्कार्यं लिखितं यद् व्यवस्थितम् ॥ ४९ ॥
 तस्मात्तत्सप्रयत्नेन नान्यथैव प्रवर्तयेत् ॥ ५० ॥
 प्रमाणदेशदृष्टः तु यदेवमिति निश्चितम् ।

42 टोडरानन्द, वीरः p 121 वीरः reads युषे for नृपै

43 टोडरानन्द, वीरः p 121

44 अपरार्क p 599, स्मृतिच. III p 57, वीरः p 124 (which reads
 रासायस्ति वास्येऽपि कृतिः) स्मृतिच. reads अस्वर्गलोकः and आयु
 वीर्यदश

45 अपरार्क p 599 स्मृतिच. p 57, परा मा. III 41, वीरः p 124 स्मृतिच.
 reads दृष्टं मतः अपरार्क reads शर्मान् परा. मा. and स्मृतिच. read
 दृष्टं मतः नयत्

46 स्मृतिच. III 58, परा मा. III p. 41.

47 स्मृतिच. III, 58, परा मा. III p 41 परा मा. reads वादिनाम् and
 धर्मः शास्त्रतो &c

48-49 स्मृतिच. III 59, टोडरानन्द (which reads लेखिता तु सदा चर्वा
 लेखिता राजः)

50-51 टोडरानन्द

ब्राह्मणो यत्र न भ्यान्तु इत्रियं तत्र योजयेत् ।
 दैश्यं वा धर्मशास्त्रज्ञं शूद्रं यत्नेन पठयेत् ॥ ६७ ॥
 अतोऽन्यैर्यत्कृतं सार्यमन्यायेन कृतं तु तत् ।
 नियुक्तैरपि विशेषं देवाद्यद्यपि शास्त्रतः ॥ ६८ ॥
 व्यवहाराश्रितं प्रश्नं पृच्छति प्राडिति स्थिति ।
 पियेवयति चस्तस्मिन्प्राड्विवाकस्ततः स्मृतः ॥ ६९ ॥
 भतिर्नीति तु यद्यर्थं संभाषेत रक्षोर्धिना ।
 प्राड्विवाकोऽवृण्डथ स्यात्सभ्याश्चैत्र विशेषतः ॥ ७० ॥
 (सभ्या)

अनुबधा चनयन्तश्च धर्मशा सत्ययादिनः ।
 सर्वशास्त्रप्रवीणाश्च सभ्या कार्या द्विजोत्तमाः ॥ ७१ ॥
 न्यायशास्त्रमनिकम्प सभ्यैर्यत्र विनिश्चितम् ।
 तत्र धर्मो हाधर्मेण हतो हन्ति न मंशय ॥ ७२ ॥
 यत्र धर्मो हाधर्मेण सत्यं यत्रानृतेन च ।
 हन्यते प्रेक्षमाणानां हनास्तात्र सभासदः ॥ ७३ ॥
 अधर्मेन प्रवृत्तं तु नोपेक्षेत् सभासदः ।
 उपेक्षमाणा स्मृता नरकं यान्त्यधोमुखा ॥ ७४ ॥

67 निता (on या II 3), अपराकः 601, व्य मा p 279, राज र, p 23,
 परा मा III p 29 अपराकः and वीर० and एड्डक (on मनु, 8 20)
 read यत्र विशेषं न विद्वान् स्मृत् and व्य मा p 279 reads यदि
 विशेषे न and राज र reads यत्र विद्वान् विप्रः स्मृतिच० (III
 p. 37) gives यत्र विशेषं न विद्वान् स्मृत् and ब्राह्मणो यत्र न स्मृत् as
 two different verses of कात्यायन, though the last three
 pādas of each are the same

68 अपराकः p 601 राज र p 23, व्यवहाराश्रित्य p 193

69 व्य मा p 278 अपराकः p 602 (quotes it as from शूद्रपुहसति)

70 स्मृतिच० III p 51 स नि p 69, परा मा III p 35, व्य मा p 253
 (which reads दक्षय रक्षोर्धन) स्मृतिच and व्य मा read दक्षय
 न सशय

71 अपराकः p 601 राज र p 23 (which reads कार्या उपैर्दिवा)

72 अपराकः p 601, स्मृतिच० III p 47 परा मा III p 32

73 अपराकः p 604 This is मनु 8 14

74 स्मृतिच III p 47, परा मा III p 23, अपराकः p 604, राज र, p.
 25. परा मा reads अवन्यायप्रवृत्तम्

अन्यायेनापि त यान्त येनुयान्ति समासद ।
 तेपि तद्भागिनस्तस्माद् बाधनीय स तेर्नुप ॥ ७१ ॥
 म्यायमार्गादपेत तु शात्या चित्त महीपते ।
 यक्तय तत्प्रिय तत्र न सभ्य क्षिप्रिणी भयेत् ॥ ७६ ॥
 सभ्येनाचक्ष्ययक्तय धर्मयिसहित वच ।
 शृणोति यदि नो राजा स्यात्तु सभ्यस्ततोन्मथ ॥ ७७ ॥
 अधर्माय यदा राजा नियुज्जीत विषादिनाम् ।
 विष्ठाप्य नृपतिं सभ्यस्तदारार्यं निघर्तयेत् ॥ ७८ ॥
 ज्ञेदादज्ञानतो यापि लोभाद्वा मोहतोपि वा ।
 तत्र सभ्योन्ययाचादी दण्डयोगस्तभ्य स्मृतो हि स ॥ ७९ ॥
 कार्यस्य निर्णय सम्यग्ज्ञात्वा सम्यस्ततो वदेत् ।
 अन्यथा नैव वक्तव्य यका द्विगुणदण्डमा ॥ ८० ॥
 सभ्यदोषान्तु यन्नष्ट देय सभ्ये तत्तदा ।
 कार्यं तु पापिणामेव निश्चित न विचालयेत् ॥ ८१ ॥

(वाचनिर्णेतृणा गुहलायकम्)

कुलानि श्रेणयश्चैव गणस्यधिष्ठितो नृप ।

प्रतिष्ठा व्यवहाराणा गुणस्यस्तूजरोत्तरम् ॥ ८२ ॥

75 मित्ता = (on वा II) स्मृतच III) 47 परा मा III p 33
 अपराक p 604 राज र p 25 अपराक and राज र read भ वायता
 विवामित स्मृतिच = read is वचनाय ज्ञातुः

76 स्मृतिच = III p 47 राज र p 25 परा मा III p 33 योऽराजद
 (which reads वक्तव्य तत्प्रिय नान) स्मृतच reads मत for मव
 राज र reads वक्तव्य तु प्रिय नान पर मा reads वक्तव्य for
 वक्तव्यम्

77 स्मृतिच = III 49 परा मा III p 33 राज र p 25 व्यवहाराणा p
 199 (reads तदनुष)

78 राज र p 24

79 स्मृतिच = III p 50 अपराक p 603 परा मा III p 34 स्मृतिच =
 reads मादृश लामतप वा

80 स्मृतच = III p 50 अ ठक p 603

81 स्मृतच III p 51 स वि p 69 (वाचनान्त for वाचिनाम्)

82 म्य मा } 280 (which acc b s to मनु and वाचा.) This is
 नारद । 7

नपस्विनां तु कार्याणि त्रिविधैरेव कारयेत् ।
 मायायोगविदां चैव न स्वयं कोपकारणात् ॥ ८३ ॥
 सम्यग्विज्ञानसंपन्ने नोपदेशं प्रकल्पयेत् ।
 उत्कृष्टजातिशीलानां गुणंचार्यतपस्विनाम् ॥ ८४ ॥
 गोत्रस्थितिस्तु या तेषां क्रमादापाति धर्मतः ।
 कुलधर्मं तु तं प्राहुः पालयेत्त तथैव तु ॥ ८५ ॥

(प्रश्नप्रसार)

काले कार्यार्थिनं पृच्छेत् प्रणतं पुरतः स्थितम् ।
 किं कार्यं वा च ते पीडा मा भैषीद्वृद्धिं मानस ॥ ८६ ॥
 केन कस्मिन्कदा कस्मात् पृच्छेदेव समागत ।
 एव पृष्टं स यद्वृत्त्यान्तसभ्येर्ग्राहणे नृद ॥ ८७ ॥
 विमृश्य कार्यं न्यस्य च द्राह्मणार्थमतः परम् ।
 मुदा वा निक्षिपेत्तस्मिन् पुरुषं वा समादिशेत् ॥ ८८ ॥

(प्रतिनिधि)

समर्पितोर्धिना योन्यः परो धर्माधिकारिणि ।
 प्रतिवादी स विज्ञेयः प्रतिपद्यद्य स स्वयम् ॥ ८९ ॥

83 अथ मा p 281 (attributes to both गृह्यसूत्रं and काव्यायन) वीर०
 p 30 ascribes it to गृह्यसूत्रं

84 वीर० p 31

85 वीर० p 29

86 स्मृतिच० III p 70, अथ मा p 280, अथ मा III p 52, वीर० p 47
 मिता० (on या III 5) quotes this and the following two
 as from स्मृत्युत्तर. अथ मा also p 605 quotes them without
 citing the name स वि p 75 quotes this verse as कालाचनस्य
 gloss on the words 'एन कस्मिन् कदा यत' which it attributes
 to मनु

87 स्मृतिच० III p 70, अथ मा III p 52 वीर० p 47 (which
 reads सभाग्रहम्), अथ मा p 286 (first half)

88 मिता० (on या II 5), अथ मा p 600 स्मृतिच० III p 72, अथ
 मा III p 55 वीर० p 52

89 स्मृतिच० III p 72, अथ मा p 689, स वि p 80

अधिकारोभियुक्तस्य नेतरस्यास्त्यसङ्गते ।
 इतरोप्यभिभुक्तेन प्रतिरोधीकृतो मत ॥ ९० ॥
 अर्थिना सनियुक्तो वा प्रत्यर्थिप्रहितोपि वा ।
 यो यस्यार्थे विवदने तयोर्ज्ञेयपराजयो । ९१ ॥
 दास्य कर्मकरा शिष्या नियुक्ता बान्धवास्तथा ।
 यादितो न च दण्ड्या स्यु यस्त्वतोऽन्य स दण्डमाक ॥ ९२ ॥
 ब्रह्महत्यासुरापानस्तोयगुर्वङ्गनाशमे ।
 अन्येषु चातिपापेषु प्रतिवादी न बाध्यते ॥ ९३ ॥
 मनुष्यमारणे स्तेये परदारभिमर्शने ।
 अमक्ष्यभक्षणे चैव कन्याहरणद्रूपणे ॥ ९४ ॥
 पारुष्ये कूटकरुणे नृपद्रोहे तथैव च ।
 प्रतिवादी न दानव्य कर्ता तु चिवदेस्त्वयम् ॥ ९५ ॥

(अङ्गान्)

घर्मोत्सुकान्म्युदये रोगिणोऽथ जटानपि
 अस्वस्थमत्तान्मत्तार्तस्त्रियो नाह्वानयेन्नृप ॥ ९६ ॥

- 90 स्मृतिच० III p 73 अपरार्क p 639 (which reads ग्रहितोधिकृता मत) वीर० p 52 (first ball) त 'व' p 80
 91 अथ मा p 287 (ascribes it to नरद and कात्यायन) अपरार्क p 639 स्मृतिच० III p 71 पर म III p 53 वीर० p 48 कृ यक्षपतरु ascr bes it to नरद and काय यन
 92 अपरार्क p 639, स्मृ तच० III p 71 पर मा III p 54
 93 अथ मा p 287 अपरार्क p 639 स्मृतिच III p 75 वीर० p 54 अपरार्क reads अनेष्वसह्योदेषु and स्मृतिच reads अनेष्वसह्य० and अथ मा reads अनेष्वसह्य०
 94 अथ मा p 287, अपरार्क p 639 स्मृ तच० III p 75 वीर p 54 व्यवहारतत्त्व p 200
 95 अथ मा p 287 अपरार्क p 639 (reads न दाप्य स्यात्) वीर० p 54 (reads कर्तापि) स्मृतिच० III p 75 (reads दाप्य स्य दर्थिप्रत्यर्थि नेतरपि) व्यवहारतत्त्व p 200
 96 स्मृतिच० III 74 पर म III p 51 वीर p 52 ascribes अवस्थ बालस्य वीर विषमस्य कयाहुक न् । क बोतवातिथ्यत नेदुववाशोत्तवाहुकान् । मतो 'महप्रमत्तातद्व्यासाद्वाचने'प to क वाचन but they are omitted here as these are ascribed to हारीत by स्मृतिच० and पर म and to नरद by अथ म

न हीनपक्षां युवतिं दृष्टे जाता प्रसूतिकाम् ।
 सर्ववर्णोत्तमा कन्या तां प्रातिप्रसूता स्मृता ॥ ९७ ॥
 तदर्धानकुटुम्बिन्य स्वैरिण्यो गणिनाश्च वा ।
 निष्पुला याश्च पतितास्तासामादानमिष्यते ॥ ९८ ॥
 सशस्त्रोत्तरीयो वा मुक्तं रश्मि महीमन ।
 वामहस्तेन वा वादं बद्धं दण्डमवाप्नुयात् ॥ ९९ ॥
 आहूतस्त्वयमग्रेण यः शक्नो राजशासनम् ।
 तस्य कुर्यान्मृषो दण्डं विधिदृष्टेन कर्मणा ॥ १०० ॥
 हीने कर्मणि पञ्चाशन्मध्यमे द्विशतावर ।
 गुरुकार्येषु दण्डं स्यान्न्ययं पञ्चशतावर ॥ १०१ ॥
 कल्पितो यस्य यो दण्डस्त्वयमग्रेण यन्नतः ।
 पणानां प्रहणं तु स्यान्नग्नमूल्यं याश्च राजानि ॥ १०२ ॥
 (आशयः)
 उत्पादयति यो हिंसा देयं वा न प्रयच्छति ।
 याचमानाय दीं शील्यादादृश्योर्त्ता नृपाशया ॥ १०३ ॥
 आयेद्यं तु नृपे कार्यमसदिग्धे प्रतिधुते ।
 तदासेधं प्रयुञ्जीत याचदाहानदर्शनम् ॥ १०४ ॥

97 स्मृतिच० III 74 परा मा III p 51 (which reads स्वजाति-
 प्रसूतां देव तथा मादानयन्मृष) बीर० p 52 मिता० on वा II, 5 cites
 this as स्मृत्यं न

98 स्मृतिच० III p 74, परा मा III p 51, बीर० p 53 मिता० on वा
 II 5 cites as स्मृत्यं न

99 अपराकं p 605 नय मा p 286 न वि 76 अपराकं reads ' वा सखी, '
 for वा वादं व्य मा reads मुक्तं रश्मि

100 अपराकं p 607 स्मृतिच० III p 76, परा मा III p 51

101 अपराकं p 607 स्मृतिच० III p 76, परा मा III p 51 अपराकं
 reads मध्यमेन शतावरम् and पञ्चशतावरम् परा मा reads मध्यमे तु
 शतावर

102 स्मृतिच० III p 76 त वि p 82 (reads शक्ति for यन्नतः)

103 बीर० p 55 स्मृतिच० III p 76 ascribes it to व्यस

104 बीर० p 55

आसेधयोग्य आसिद्ध उत्क्रामन्दण्डमर्हति ॥ १०५ ॥

(अनारोध्या)

यस्त्विन्द्रियनिरोधेन व्याहारोच्छ्वसनादिभिः ।

आसेधयेदनासेष्य स दण्ड्यो न त्यतिनमी ॥ १०६ ॥

वृक्षपर्यन्तमारूढा हस्यभ्ररथनौस्थिता ।

विपमस्याश्च ते सर्वे नासेष्या कार्यसाधकैः ॥ १०७ ॥

व्याध्यास्ता व्यसनस्याश्च यजमानास्तथैव च ।

अनुत्तीर्णाश्च नासेष्या मत्तोन्मत्तजडास्तथा ॥ १०८ ॥

न कर्षको बीजकाळे सेनाकाले नु सैनिक ।

प्रतिशाय प्रयातश्च शतफालश्च नान्तरा ॥ १०९ ॥

उत्तुक्त कर्षक सस्ये तोयस्यागमने तथा ।

भारम्भात्संग्रह यावत्तत्फाल न विषादयेत् ।

आसेधयस्यनासेष्यं राश शस्य इति स्थितिः ॥ ११० ॥

अभियुक्तश्च रुद्धश्च तिष्ठेयुश्च नृपाशया ।

न तस्यान्येन कर्तव्यमभियुक्त विदुर्बुधा ॥ १११ ॥

शफाद्वयहापपेक्षं देशकालाद्यपेक्षया ।

कृताय साधिते कार्ये तेन भक्तं प्रदापयेत् ॥ ११२ ॥

105 वीर० p 56 स्मृतिच० III p 68 ascribes it to व्यास

106 स्मृतिच० III p 67, पर मा III p 48, वीर० p 56, अथ मा p 0 पर मा reads अवरहापेत्तवादिभि अनारोध्या and अतिवमात् अथ मा, has the last two, वीर० has अनारोध्या and अतिवमात्

107 स्मृतिच० III p 68, पर मा III p 48, वीर० p 56

108 स्मृतिच० III p 68, पर मा III p 49, वीर० p 56 (has first half)

109 स्मृतिच० III p 68, पर मा III p 49, इत्यव्ययवह (has latter half)

110 इत्यव्ययवह, स्मृतिच० III p 69, पर मा III 49 (which reads अथ श्यागमने) वीर० p 56 (last line), अथ. मा. p 0 (last line). The first three omit the last line.

111 इत्यव्ययवह

112 वीर० p 57, अपराधं p 607 (reads नेता for तेन) has latter half only.

देशकालचयःशक्त्याद्यपेक्षं भोजनं स्मृतम् ।

आकारकस्य सर्वत्र इति तत्त्वविदो विदुः ॥ ११३ ॥

(प्रतिभूतेनाप्रत्याः)

न स्वामी न च वै शत्रुः स्वामिनाधिष्ठितस्तथा ।

निरुद्धो दण्डितश्चैव संशयस्थाश्च न कश्चित् ॥ ११४ ॥

नैव रिक्ता न रिक्ता न वैवात्यन्तपातिनः ।

राजकार्यनियुक्तश्च ये च प्रयजिता नराः ॥ ११५ ॥

नाशक्तो घनिने दातुं दण्डं राष्ट्रे च तत्समम् ।

जीवन्त्यापि पिता यस्य तथैवेच्छाप्रवर्तकः ।

नाविज्ञातो प्रहीतव्यः प्रतिभूत्यक्रियां प्रति ॥ ११६ ॥

अथ चेत्प्रतिभूर्नास्ति वादयोग्यस्य वादिनः ।

स रक्षितो दिनस्यान्ते दत्ताद् दूताय येतनम् ॥ ११७ ॥

द्विजातिः प्रतिभूर्हीनो रक्ष्य स्याद् बाह्यचारिभिः ।

शूद्रादीन्प्रतिभूर्हीनान् बन्धयेत्तिगडेन तु ॥ ११८ ॥

118 वीर० p. 57, अपरार्क p. 607 (reads देशः कालो ययः शक्तिरपेक्षा भोजने तथा and धर्मविदो for तत्त्वविदो)

114 स्मृतिच० III, p. 78 (and p. 318), मिता० (on वा. II. 57), वि. र. p. 89, परा. मा. III, p. 57 and pp. 253 254, वीर० p. 58 and 830 (has 114 116). परा. मा. at p. 254 reads ' निरुद्धो दण्डितश्चैव रिक्ता न रिक्ता न वैवात्यन्तपातिनः ' and adds देशचारेण दाप्याः सुर्दृष्टान् संपीड्य दापयेत्

115 स्मृतिच० III, p. 78 and 318, वि. र. p. 89, परा. मा. III, p. 57 and also p. 254, वीर० p. 58. वि. र., परा. मा. p. 254 and मिता० read विरं च for रिक्ता.

116 मिता० (on वा. II. 57), स्मृतिच० III, p. 78, परा. मा. III p. 57, वि. र. p. 89 मिता० and वि. र० read प्रतिभूः स्वक्रियां प्रति and परा० मा. reads प्रतिभूत्यक्रिया. All except मिता० omit the half जीवन्त्यापि &c.

117 मिता० (मा. II. 10), व्य. मा. p. 289, स्मृतिच० III p. 78, परा. मा. III. 58, वीर० p. 59, स. वि. p. 83, व्यवहारतत्त्व p. 202. व्य. मा. reads वादयोग्यस्य, मिता० reads कार्ययोग्यस्तु; वीर० and परा. मा. read दूताय for दूताय, स. वि. reads तार्थधोर्मस्य वादिनः व्यवहारतत्त्व reads योग्यस्तु वादिनोः which is a good reading.

118 परा. मा. III, p. 58

अतिक्रमेपयाते च दण्डयेत्त पणाष्टकम् ।
 नित्यकमापरोधस्तु न कार्यं सर्वघणिनाम् ॥११९॥
 ग्रहांतग्रहणो न्याये न प्रवत्या महीभूता ।
 तस्य वा तत्समर्प्ये स्यात्स्थापयेद्वा परस्य तत् ॥१२०॥
 (अभिशेकश्रादानामुत्तिक्रम)

तत्रामियोक्ता प्राग्भूयादभियुक्तस्यनन्तरम् ।
 तयोरन्ते सदस्यास्तु प्राङ्घिविकस्तत परम् ॥१२१॥
 यस्य स्यादधिका पीडा कार्यं वाप्यधिक भवेत् ।
 पूर्वपक्षो भवेत्तस्य न य पूर्व निवेदयेत् ॥१२२॥
 यस्य वार्थगता पीडा शारीरी वाधिका भवेत् ।
 तत्स्यार्थिदादो दातव्यो न य पूर्व निवेदयेत् ॥१२३॥
 (प्रतिष्ठास्वरूपम्)

निवेद्य कालं यप च मास पक्ष तिथिं तथा ।
 घेला प्रदेश विषय स्थान जात्याकृती वय ॥१२४॥
 साध्यप्रमाणं द्रव्यं च सत्त्वा नाम तथात्मन ।
 राज्ञा च क्रमशो नाम निवास साध्यनाम च ॥१२५॥

119 परा मा III p 58

120 अ मा p 287 स्मृतिच० III p 78 टाडगान्द भ्य मा and योडगान्द
 read न्यायो for याय तस्य for तस्य वा and परस्य for परस्य

121 अपराकं p 611, स्मृतिच० III p 79 परा मा III p 58 वीर० p 57
 भ्य मा p 289 (reads तयोक्ती for तयोरन्ते) स इ p 83

122 भ्य मा p 290 व्यवहारस्तव p 200 परा मा III p 59 स्मृतिच०
 III p 79, स वि p 83 (reads one verse as यस्य व अधिका पीडा
 अकार्यं वाधिक भवेत् । तस्य विवादाः)

123 अ मा p 291, स्मृतिच० III p 79 परा मा III p 59 स्मृतिच०
 reads कार्यं वा अधिक भवेत् and परा मा read कार्यं वाप्यधिक

124 विश्वरूप (on वा II 6), अ मा p 295 अपराकं p 608, स्मृतिच० III
 p 81, परा मा III p 6० वीर० p 62 परा मा reads श्वेत for
 प्रदेश and अपराकं reads वेलां प्रदेश विषय विश्वरूप has सेलाप्रदेश

125 विश्वरूप (on वा II 6) अ मा p 295 अपराकं p 609 परा मा III
 p 62 स्मृतिच० III p 81, वीर० p 6० विश्वरूप reads साध्यप्रमाण
 स्मृतिच० reads साध्यप्रमाण वीर० and अपराकं read साध्य प्रमाण
 द्रव्यं च अ मा reads साध्यपथ

क्रमादिपुत्रां नामानि पीडां चाद्वैतदायकौ ।
 क्षमालिङ्गानि चान्यानि पक्षं संकीर्त्य कल्पयेत् ॥१२६॥
 देशश्चैव तथा स्थानं संनिवेशस्तथैव च ।
 जातिः संज्ञा निवासश्च प्रमाणं क्षेत्रनाम च ॥ १२७ ॥
 पितृपैतामहं चैव पूर्वराजानुकीर्तनम् ।
 स्वायत्तेषु विवादेषु दशैतानि नियेशयेत् ॥ १२८ ॥
 रागादीनां यदेकेन कोपितः करणे यदेत् ।
 तदोमिति लिपेरसर्वं धादिनः फलकादिषु ॥ १२९ ॥
 अधिपान् शोधयेदर्थान् न्यूनांश्च प्रतिपूरयेत् ।
 भूमौ निवेशयेत्तावद्यावत्पक्षः प्रतिष्ठितः ॥ १३० ॥
 पूर्वपक्षं स्वभावोक्तं प्राद्विधाकोभिलेखयेत् ।
 पाण्डुलेखेन फलके ततः पत्रे विशोधितम् ॥ १३१ ॥
 अन्यदुक्तं लिपेदन्ययोर्धिप्रत्यर्थिनां वचः ।
 चौरवच्छासयेत्तं तु धार्मिकः पृथिवीपतिः ॥ १३२ ॥
 सौहेयनं वा लभते द्र्यहं सप्ताहमेव वा ।
 मतिरुत्पद्यते यावद्विवादे चलुमिच्छतः ॥ १३३ ॥

- 126 विश्वरूप, अपरांक p 608, न्य मा. p. 295, परा. मा. III p. 62, स्मृतिच. III. p. 81, वीर. p. 62 व्य. मा. reads लेखयेत् for कल्पयेत्. विश्वरूप reads क्षमालिङ्गाद्यादिकारं.
 127-128 अपरांक p. 608, स्मृतिच. III. p 84, परा. मा. III. 62, वीर. p. 64, पृ. मा. reads देश चाल तपनमान संनिवेश and जातिसंज्ञाधिसावाय.
 129 टोन्नानन्द (which ascribes it to both नारद and वात्स्यायन), स. वि. p. 79 (which ascribes it to गौगिल) reads अधिनः for धादिनः.
 130 विश्वरूप (on या II 6), अपरांक p. 611, स्मृतिच. III. p. 90, परा. मा. III 85, अपरांक and परा मा read ज्ञातयेत् and last pada as यावदयोर्भिदार्जितः, परा मा reads छेदयेत् and प्रतिपूजयेत्, स्मृतिच. reads छेदयेत्.
 131 मिता (on या II. 6), अपरांक p. 611, परा. मा. III. p. 67, स्मृतिच. III. p. 9, व्यवहारतत्त्व p. 204.
 132 वीर. p. 71 (which reads ज्ञातयेत् for ज्ञातयेत्), व्य. मा. p. 297, व्यवहारतत्त्व p. 204
 133 परा. मा. III. p. 66

यस्मात्कार्यसमारम्भाच्चिरात्तेन विनिश्चयः ।
 तस्मान्न लभते कालमनियुक्तस्तु कालभारः ॥ १३४ ॥
 मतिर्नोत्सहते यत्र विद्योद्वे कार्यमिच्छते ।
 दातव्यस्तत्र कालः स्वादार्थमत्यार्थिनोरेषि ॥ १३५ ॥
 प्रतिज्ञादोषः (पूर्वपक्षदोषाः)
 यद्य राष्ट्रद्विरुद्धश्च यद्य रात्रा विचर्जितः ।
 अनेकपक्षसंकीर्णः पूर्वपक्षो न सिध्यति ॥ १३६ ॥
 बहुप्रतिज्ञं यत्कार्यं व्यवहारेषु निश्चितम् ।
 कामं तदपि गृहीयाद्राजा तत्त्वबुमुत्तया ॥ १३७ ॥
 देशकालपिहीनश्च द्रव्यसंप्रत्याविर्जितः ।
 साध्यप्रमाणहीनश्च पक्षानादय इष्यते ॥ १३८ ॥
 न्यायस्थं नेच्छते कर्तुमन्यायं वा करोत्ययम् ।
 न लेखयति यस्त्वेवं तस्य पक्षो न सिध्यति ॥ १३९ ॥
 अप्रसिद्धं निराबाधं निरर्थं निष्प्रयोजनम् ।
 असाध्यं वा विरुद्धं वा पक्षाभासं विप्रर्जयेत् ॥ १४० ॥

134 अ. मा. p. 290, व्यवहारतरव p 203 (reads विनिश्चितः)

135 अ. मा. p. 290.

136 विश्वरूप (on मा. II 5), मिता० (on मा II. 6), अ. मा. p. 290, अपराकं p. 609, स्मृतिच० III. 89, परा मा. III. p. 65, वीर० p. 68. अपराकं, स्मृतिच०, परा मा. and वीर० read गुणवृष्टिद्वयम्

137 मिता० (on मा. II. 6.), अपराकं p. 609, अ. मा. p 290, स्मृतिच० III p 89, परा. मा. III p. 65, वीर. 69, स. वि. p. 89. अ. मा. reads अवहोषविधिदम्, स्मृतिच० reads अवहारे कृतिविधिम्.

138 अपराकं p. 609 (not named), स्मृतिच० III p. 84, अ. मा. p. 297, परा. मा. III p. 61, वीर० p. 64, स. वि. p. 87 स्मृतिच० and स. वि. read क्रियाप्रमाणहीनम्, वीर० reads क्रियाप्रमाणहीनम्

139 विश्वरूप on मा. II 6 (no name), स्मृतिच० III p. 89, वीर० p. 69. विश्वरूप reads ग्यमं मे नेच्छते and वीर० reads ग्यमं पश्यते

140 विश्वरूप on मा. II 6 (no name), मिता० on मा. II 6 (no name), वीर० p. 60, परा. मा. III 61 and अ. मा. p. 13 (as स्मृत्यन्तर) विश्वरूप reads सदेवं च for निराबाधं and वरं राजा विहर्षयेत्.

प्रतिज्ञादोपनिर्मुक्तं साध्यं सत्कारणान्वितम् ।
 निश्चितं लोकसिद्धं च पक्षं पक्षविदो विदुः ॥ १४१ ॥
 सत्पाक्षरः प्रभूतायौ नि संदिग्धो निराकुलः ।
 विरोधिकारणैर्मुक्तो विरोधिप्रतिषेधकः ॥ १४२ ॥
 यदा त्वेवविधः पक्षः कल्पितः पूर्वमादिता ।
 वद्यान्तपक्षसद्वजं प्रतिवादी तदोत्तरम् ॥ १४३ ॥
 ग्राह्यमाणोर्धिना यत्र यो ह्यर्थो न विधातितः ।
 दानकाले यत्र तूष्णीं स्थितः सोऽर्थोऽनुमोदितः ॥ १४४ ॥
 (उत्तरं सद्यो दातुं वा कालांतरेण वा दानव्यम्)
 धृत्वा लेख्यगतं त्वर्थं प्रत्यर्था कारणाद्यदि ।
 कालं विवादं याचेत तस्य देयो न सदायः ॥ १४५ ॥
 सगो वैकाहपश्चादन्यद् वा गुरुराद्यवात् ।
 लभेतासौ त्रिपक्षं वा सप्ताहं वा ऋणादिषु ॥ १४६ ॥
 कालं शक्तिं विदित्वा तु कार्याणां च पलायनम् ।
 अल्पं वा बहु वा कालं वद्यात्प्रत्यर्थिने प्रभुः ॥ १४७ ॥

- 141 विवरूप on वा II 6 (no name), कृत्यकल्पतरु (ascribes this and the following two verses to both कात्यायन and बृहस्पति)
 अथ वा p 201 (ascribes this and the next to both कात्यायन and बृह.) व्यवहारतत्त्व p 203 (ascribes 141-143 to both),
 टोडरानन्द, परा वा III p 61 (which ascribes this and the next to बृहस्पति) अपरार्क p 610 ascribes to बृहस्पति, so does स्मृतिच. III p 90
- 142 कृत्यकल्पतरु, अथ वा p 201, टोडरानन्द (which reads विरोधिकारणं and प्रतिरोधकं), परा वा III 61 (which reads अस्याक्षरस्त्वसन्दिग्धो बह्वर्थाप्यनाहुस । युक्तो विरोधिकारणः) व्यवहारतत्त्व p 203 204
- 143 कृत्यकल्पतरु, टोडरानन्द व्यवहारतत्त्व p 204
- 144 कृत्यकल्पतरु
- 145 अपरार्क p 610, स्मृतिच. III p 94, अथ वा p 208, परा वा III p 69 वीर. p 138 अथ वा reads सखत for लेख्यगत, अपरार्क and वीर. read लेख्यगतौ
- 146 अथ वा p 208, स्मृतिच. III p 95 (which reads उप एकाहपश्चादौ)
- 147 स्मृतिच. III p 95 अथ वा p 208

दिनं मासार्धमासौ वा क्रतुः संवत्सरोपि वा ।
 क्रियास्थित्यनुरूपस्तु देवः कालः परेण तु ॥ १४८ ॥
 व्यपैति गौरवं यत्र विनाशस्त्याग एव वा ।
 कालं तत्र न कुर्वति कार्यमात्ययिकं हि तत् ॥ १४९ ॥
 धेनायनदुहि क्षेत्रे स्त्रीषु प्रजनने तथा ।
 न्यासे याचितके वस्त्रे नथैव प्रायश्चित्तये ॥ १५० ॥
 कन्याया वृषणे स्तेपे कलहे साहसे निधौ ।
 उपधी कौटसास्ये च सद्य एव विवाद्येत् ॥ १५१ ॥
 साहसस्तेयपारुष्यगोभिशापे तथात्यये ।
 भूमौ विवाद्येत् क्षिप्रमकालेपि बृहस्पतिः ॥ १५२ ॥
 सद्यः कृतेषु कार्येषु सद्य एव विवाद्येत् ।
 कालार्ततेषु वा कालं दद्यात्प्रत्यर्थिने प्रभुः ॥ १५३ ॥
 सद्यः कृते सद्य एव मासातीति दिनं भवेत् ।
 पद्मादिके विरात्रं स्यात्सप्ताहं षाडशादिके ॥ १५४ ॥
 विंशत्यने दशाहं तु मासार्धं वा लभेत सः ।
 मासं त्रिंशत्समातीति त्रिपक्षं परतो भवेत् ॥ १५५ ॥
 कालं संवत्सरादधीष्ट स्वयमेव यथेप्सितम् ।
 संवत्सरं जडोन्मत्तमनस्के व्याधिपीडिते ॥ १५६ ॥

148 अपराकं p. 619, स्मृतिच. III p. 98, वीर. p. 138

149 स्मृतिच. III p. 93, अपराकं p. 619, वीर. p. 140,

150 अपराकं p. 619, स्मृतिच. III p. 94, पर. मा. III p. 71, वीर. p. 140.

151 अपराकं p. 620, स्मृतिच. III p. 94, पर. मा. III p. 72, वीर. p. 140.

152 वीर. p. 140 (ascribes both to बृहस्पति and कात्यायन), पर. मा. III p. 71 (ascribes it to बृहस्पति)

153 स्मृतिच. III p. 94, अपराकं p. 619, वीर. p. 138 (reads सद्य कृतेषु कार्येषु), व्यवहारतत्त्व p. 205.

154 अपराकं p. 619, स्मृतिच. III p. 95, *व मा. p. 208, वीर. p. 138.
 *व. मा. reads सद्य-कृते तथेवाहं समतीति पर. मा. III p. 70
 ascribes this and the following two verses to बृहस्पति

155 अपराकं p. 619, स्मृतिच. III p. 95 *व. मा. p. 208, वीर. p. 138,
 अपराकं reads विरात्रे for विराट्-व.

156 स्मृतिच. III p. 95, पर. मा. III p. 70 (latter half), अपराकं
 p. 619 (has only first half as चानाश्रयनस्य).

दिगन्तरप्रपन्ने वा जज्ञातार्ये च यस्तुनि ।
 मूलं वा साक्षिणो वाऽप्यपदेने स्थिता यदा ॥ १५७ ॥
 तत्र कालो भवेत्पुंस्ताना स्वदेशसमागमात् ।
 दत्तेपि काले देय स्यात्पुनः कार्यस्य गौरवात् ॥ १५८ ॥
 पूर्वपक्षधृतार्थस्तु प्रत्यर्था तदन्तरम् ।
 पूर्वपक्षार्थसंबन्धं प्रतिपक्ष निवेदयेत् ॥ १५९ ॥
 आचार्यव्यवधानेष्टृत्वोपस्थाननिर्णये ।
 नोपस्थितो यदा फश्चिच्छले तत्र न कारयेत् ॥ १६० ॥
 दैवराजकृतो दोषस्तस्मिन्काले यदा भवेत् ।
 अवाच्यत्यागमात्रेण न भवेत्स पराजितः ॥ १६१ ॥
 दैवराजकृतं दोषं साक्षिभिः प्रतिपादयेत् ।
 जैह्वेन वर्तमानस्य दण्डो दाप्यस्तु तदन्तरम् ॥ १६२ ॥
 अभियुक्तोभियोक्तारमभियुक्तांतर्हिद्वित् ।
 अन्यत्र दण्डपाठ्यस्तोयसग्रहणात्पयात् ॥ १६३ ॥
 याचान्यस्मिन्समाचारः पारंपर्यमागतः ।
 तं प्रतीक्ष्य यथान्यायमुत्तर दापयेन्नृप ॥ १६४ ॥
 (चतुर्विधमुत्तरम्)

सत्यं मिथ्योत्तरं चैव प्रत्यवस्कन्दनं तथा ।
 पूर्वन्यायविधिश्चैवमुत्तरं स्याच्चतुर्विधम् ॥ १६५ ॥
 धृत्या भाषार्थमन्यस्तु यदा तं प्रतिषेधति ।
 अर्थतः शब्दतो वापि मिथ्या तज्ज्ञेयमुत्तरम् ॥ १६६ ॥

157 रघुवि० III p 95 परा मा III p 70, अपराधं p 619

158 स्पृष्टिव० III (first half), परा मा III p 71

159 व्य मा p 299 (ascribes to वात्स्यायन and नारद)

160-62 व्य मा p 299

163 व्य मा p 299

164 अपराधं p 619 रघुवि० III p 96, स वि p 92 अपराधं reads
 सो वा यस्मिन् and परीश्य for प्रतीक्ष्य

165 मिता० (on वा II 7) व्य मा p 299, वीर० p 74

166 अपराधं p 612 व्य मा p 301, वीर० p 76, अथारक्षस्य p 207
 व्य मा reads यदि for यदा

अभियुक्तोभियोगस्य यदि कुर्यात्तु तिद्वयम् ।
 मिथ्या तत्तु धिजानीयादुत्तरं व्यवहारतः ॥ १६७ ॥
 साध्यस्य सत्यवचनं प्रतिपत्तिरुदाहृता ॥ १६८ ॥
 मिथ्यैतन्नाभिजानामि तदा तत्र न संनिधिः ।
 अजातश्चास्मि तत्काल इति मिथ्या चतुर्विधम् ॥ १६९ ॥
 योर्थिनार्थः समुद्दिष्टः प्रत्यर्थी यदि तं तथा ।
 प्रपद्य कारणं व्यादाधर्मे गुरुप्रवीत् ॥ १७० ॥
 आचारेणावसन्नोपि पुनर्लैष्यते यदि ।
 सोमिधेयो जितः पूर्वं प्रादन्यायस्तु स उच्यते ॥ १७१ ॥
 विभावयामि कुलिकैः साक्षिभिर्लिखितेन वा ।
 जितश्चैव मयायं प्राप्प्रादन्यायस्त्रिप्रकारकः ॥ १७२ ॥

{ उत्ताप्तास्त उत्तरदोषा वा }

अप्रसिद्धं विरुद्धं यदत्यल्पमतिभूरि च ।
 संदिग्धासंभवाव्यक्तमन्यार्थं चातिदोषवत् ॥ १७३ ॥
 अव्यापकं व्यस्तपदं निगूढार्थं तथाकुलम् ।
 व्याख्यागम्यमसारं च नोत्तरं शस्यते युधे ॥ १७४ ॥

- 167 मिता० (on या. II. 7), अ. मा. p. 301, स्मृतिच० III p. 97, वीर० p. 75, स. वि. p. 92 मिता० and स. वि. read कुर्यादपहवत्.
 168 मिता० on या. II. 7, स्मृतिच० III p. 97, स. वि. p. 92, स्मृतिच० reads तथ्यवचन. अ. मा. p. 300 attributes this to व्यास.
 169 मिता० (on या. II. 7), अपराकं p. 612, स्मृतिच० III p. 98, स. वि. p. 92, अपराकं reads तदा मे भूदसंनिधि.
 170 अ. मा. p. 307, दोहरानन्द, वीर० p. 78, वीर० reads अर्थिनाभिहितो योर्थः and आपर्षे मनुजवतीत्, दोहरानन्द reads आपर्षे मनुजवती, अ. मा. reads अर्थिनाभिहितो योर्थः and reads last line as प्रसवरुद्धन हि तत् and ascribes it to वृद्धराते.
 171 मिता० (on या. II. 7), वीर० p. 82 (refers to both कात्या० and नृस०).
 172 स्मृतिच० III p. 98, वीर० p. 82.
 173 अपराकं p. 614, स्मृतिच० III p. 99, अ. मा. III. p. 73, वीर० p. 83.
 174 स्मृतिच० p. 99, व्यवहारतस्तु p. 207 reads अस्त्यस्तपदस्यापि निगूढार्थं and says that अनेन in his व्यवहारतस्तु explained अस्त्यस्तपदस्यापि as अनापि तार्पणस्यापि.

यद्व्यस्तपदमन्यापि निगूढार्थं तथाकुलम् ।
 ध्याख्यागम्यमसारं च नोत्तरं स्वार्थसिद्धये ॥ १७५ ॥
 विद्वाकारसहस्रं तु समयं चाधिज्ञानता ।
 भाषान्तरेण वा प्रोक्तमप्रसिद्धं तदुत्तरम् ॥ १७६ ॥
 प्रतिदत्तं मया घाल्ये प्रतिदत्तं मया नहि ।
 यदेवमाह विश्वेयं विरुद्धं तद्विद्वोत्तरम् ॥ १७७ ॥
 जितः पुरा मयाय च त्वर्थेस्मिन्निति भाषितुम् ।
 पुरा मयायमिति यत्तदूनं चोत्तरं स्मृतम् ॥ १७८ ॥
 गृहीतमिति चाप्ये तु कार्यं तेन कृतं मया ।
 पुरा गृहीतं यद्व्यस्तमिति यथातिभूरि तत् ॥ १७९ ॥
 देयं मयेति घक्तव्ये मयादेयमितीदृशम् ।
 संदिग्धमुत्तरं ज्ञेयं व्यग्रहारे दुर्धस्तदा ॥ १८० ॥
 यत्नायेलन चैतेन साहसं स्थापितं पुरा ।
 अनुक्रमतन्मन्यन्ते तदन्वयार्थमितीरितम् ॥ १८१ ॥
 अस्मै दत्तं मया सार्धं सहस्रमिति भाषिते ।
 प्रतिदत्तं तदर्थं यत्तद्विद्वात्पञ्च स्मृतम् ॥ १८२ ॥
 पूर्ववादी क्रियां यावत्सम्यङ्मतेयं निवेशयेत् ।
 मया गृहीतं पूर्वं नो तद्व्यस्तपदमुच्यते ॥ १८३ ॥
 तर्हि सामरस्यं कथिद्गृहीतं प्रदास्यति ।
 निगूढार्थं तु तत्प्रोक्तमुत्तरं व्यग्रहारेत् ॥ १८४ ॥

175 अवरणं p 614, परा मा III p 73, न्य मा p 303 वीर० p 84

मिता० (on या II 7) cit'g as स्मृतता

176 177 स्मृतिच० III p 99, परा मा III p 73, वीर० p 84

178 स्मृतिच० III p 99 परा मा III p 74, वीर० p 84 परा मा reads
 माफिन and वीर० reads विवक्षित

179 स्मृतिच० III p 100 परा मा III p 74, वीर० p 84 परा मा
 reads इति चेद्विद्व

180 स्मृतिच० III p 100, परा मा III p 74, वीर० p 84

181 स्मृतिच० III p 100, परा मा III p 74, वीर० p 85

182 स्मृतिच० III p 101 परा मा III p 74

183 स्मृतिच० III p 101, परा मा p 74

184 स्मृतिच० III p 101 परा मा p 74 (which reads सिद्धिगृहीत),
 न ति p 94 (which reads अगृहीत न दास्यति)

किं तेनैव सदा देयं मया देयं भवेदिति ।
 एतदाकुलमित्युक्तमुत्तरं तद्विदो विदुः ॥ १८५ ॥
 काकस्थं दन्ता नो सन्ति सन्तीत्यादि यदुत्तरम् ।
 असारमिति तच्चेन सम्यग्ज्ञोत्तरमिष्यते ॥ १८६ ॥
 प्रस्तुतादस्पनव्यक्तं न्यूनाधिकमसङ्गतम् ।
 अग्न्याप्यसारं संदिग्धं प्रतिपक्षं न लङ्घयेत् ॥ १८७ ॥
 संदिग्धमन्यत्रप्रकृतादस्पनमतिभूरि च ।
 पक्षैकदेशव्याप्येव तच्च नैवोत्तरं भवेत् ॥ १८८ ॥
 पक्षैकदेशे यत्सत्यमेकदेशे च कारणम् ।
 मिथ्या चैकैकदेशे च सङ्गरात्तदुत्तरम् ॥ १८९ ॥
 न चैकस्मिन्निवादे तु क्रिया स्याद्वादिनोद्वेगो ।
 न चार्थसिद्धिरुभयोर्न चैकत्र क्रियाद्वयम् ॥ १९० ॥

(वाददानिकराणि)

अपद्य कारणं पूर्वमन्यद्गुरुतरं यदि ।
 प्रतिवाक्यगतं गृयात्साध्यते तदि नेतरत् ॥ १९१ ॥
 यथार्थमुत्तरं दद्यादयच्छलन्तं च दापयेत् ।
 सामभेदादिभिर्मांसैर्यापत्सोर्थं समुत्थितं ॥ १९२ ॥
 मोहादा यदि वा शाठ्याप्रलोक्तं पूर्ववादिना ।
 उत्तरान्तर्गतं चापि तद्ग्राह्यमुभयोरपि ॥ १९३ ॥

185 स्मृतिच० III p 101, परा मा III p 75

186 स्मृतिच० III p 101, परा मा III p 75, वीर० p 84 (which reads तच्चेन सम नोत्तरमिष्यते)

187 अय मा p 303

188 अपराकं p 614, अय मा p 303, मिता० (on वा II 7) enters as स्थूलतर

189 मिता० (on वा II 7) अपराकं 613, अय मा p 303 स्मृतिच० III p 101, वीर० p 85, परा मा III p 77

190 अय मा p 297, मिता० (on वा II 7), अपराकं p 613, वीर० p 85, परा मा III p 77, स्मृतिच० III p 102

191 अपराकं p 614 अय मा p 307, स्मृतिच० III p 110 अय.मा. reads प्रतिवाक्ये गति

192 अपराकं p 615, वीर० p 74 (has only first half).

193 अपराकं p 615, स्मृतिच० III p 91, वीर० p 74,

यद्व्यस्तपदमन्यापि निगूढार्थं तथाकुलम् ।
 व्याख्यागम्यमसारं च नोत्तरं स्वार्थसिद्धये ॥ १७५ ॥
 चिदाकारसदृशं तु समयं चाविज्ञानता ।
 मापान्तरेण वा प्रोक्तमप्रसिद्धं तदुत्तरम् ॥ १७६ ॥
 प्रतिदत्तं मया चाक्षेपे प्रतिदत्तं मया नहि ।
 यदेवमाह चिद्वेपं पिरुद्धं तदिदोत्तरम् ॥ १७७ ॥
 जितः पुरा मयाय च त्वयैस्मिन्निति भाषितुम् ।
 पुरा मयायमिति यत्तदूनं चोत्तरं स्मृतम् ॥ १७८ ॥
 गृहीतमिति वाक्ष्ये तु कार्यं तेन कृतं मया ।
 पुरा गृहीतं यद्व्ययमिति यथातिभूरि तत् ॥ १७९ ॥
 देवं मयेति घक्त्ये मयादेयमितीदृशम् ।
 संदिग्धमुत्तरं ज्ञेयं व्यवहारे युधेस्तदा ॥ १८० ॥
 यलापलेन चैतेन साहसं स्थापितं पुरा ।
 अनुक्तमेतन्मन्यन्ते तदन्यार्थमितीरितम् ॥ १८१ ॥
 अस्मै दत्तं मया सार्धं सदस्यमिति भाषिते ।
 प्रतिदत्तं तदर्थं यत्तदिहाव्यापकं स्मृतम् ॥ १८२ ॥
 पूर्वयात्री क्रियां यावत्सम्यङ् नैव निवेशयेत् ।
 मया गृहीतं पूर्वं नो तद्व्यस्तपदमुच्यते ॥ १८३ ॥
 तत्किं तामरसं कश्चिदगृहीतं प्रदास्यति ।
 निगूढार्थं ह तत्प्रोक्तमुत्तरे व्यवहारतः ॥ १८४ ॥

175 अपरांक p 614, परा मा III p 73, व्य मा p 303, बीर० p 84

क्षिता० (on मा II 7) citⁿ as स्मृतम्

176 177 स्मृतिच० III p 93, परा मा III p 73, बीर० p 84

178 स्मृतिच० III p 99 परा मा III p 74 बीर० p 84 परा मा reads
 भाषित and बीर० reads विदिते

179 स्मृतिच० III p 100 परा मा III p 74, बीर० p 84 परा मा
 reads हिन येद्विक

180 स्मृतिच० III p 100, परा मा III p 74, बीर० p 84

181 स्मृतिच० III p 100, परा मा III p 74, बीर० p 85

182 स्मृतिच० III p 101 परा मा III p 74

183 स्मृतिच० III p 101 परा मा p 74

184 स्मृतिच० III p 101 परा मा p 74 (which reads विदितम्),
 स रि p 94 (which reads अगृहीतं न दास्यति)

किं तेनैष सदा देयं मया देयं भवेदिति ।
 एतदाकुलमित्युक्तमुत्तरं तद्विदो विदुः ॥ १८५ ॥
 काकस्य दन्ता नो सन्ति सग्नीत्यादि यदुत्तरम् ।
 असारमिति तत्त्वेन सम्यग्ज्ञेयमित्युच्यते ॥ १८६ ॥
 प्रस्तुतावल्पमप्येकं न्यूनाधिकमसङ्गतम् ।
 अध्याप्यसारं संदिग्धं प्रतिपक्षं न लङ्घयेत् ॥ १८७ ॥
 संदिग्धमन्यः प्रकृतवित्यल्पमतिभृति च ।
 पक्षैकदेशव्याप्येष तत्तु नैषोत्तरं भवेत् ॥ १८८ ॥
 पक्षैकदेशे यत्सत्यमेकदेशे च कारणम् ।
 मिथ्या चैकैकदेशे च तद्विराजदनुत्तरम् ॥ १८९ ॥
 न चैकसिन्धवादे तु क्रिया स्याद्वाविनोद्विषोः ।
 न चार्थसिद्धिरभयोर्न चैकत्र क्रियाद्वयम् ॥ १९० ॥

(वादहानिकराणि)

प्रपञ्च कारणं पूर्वमन्यदुत्तरं यदि ।
 प्रतियोग्यगतं ध्यायन्साध्यते तद्धि नेतरत् ॥ १९१ ॥
 यथार्थमुत्तरं दद्यादयच्छ्रुतं च दापयेत् ।
 सामभेदादिनिर्माणैर्वाप्यस्तोर्थः समुत्पिपतः ॥ १९२ ॥
 मोहाद्वा यदि वा ग्राह्याद्यलोकां पूर्ववादिना ।
 उत्तरान्तर्गतं चापि तद्ग्राह्यमुभयोरपि ॥ १९३ ॥

185 स्मृतिच० III p. 101, परा. मा III p 75

186 स्मृतिच० III p. 101, परा. मा III p. 75, वीर० p. 84 (which reads तत्त्वेन सन् नोत्तरमित्युच्यते).

187 व्य. मा. p 303.

188 अपरार्क p. 614, व्य. मा p 303, मिता० (on या II. 7) cites as स्थयन्तर.

189 मिता० (on या. II. 7), अपरार्क. 613, व्य. मा. p. 303, स्मृतिच० III p. 101, वीर० p. 85, परा. मा. III. p 77

190 व्य. मा. p. 297, मिता० (on या II 7), अपरार्क p. 613, वीर० p. 85, परा. मा. III p. 77, स्मृतिच० III p. 102.

191 अपरार्क p. 614, व्य. मा p 307, स्मृतिच० III p 110, व्य. मा. reads प्रतिवाक्ये गति.

192 अपरार्क p. 615, वीर० p. 74 (has only first half).

193 अपरार्क p. 615, स्मृतिच० III p. 91, वीर० p. 74.

उपायैश्चोद्यमानस्तु न दद्यादुत्तरं तु यः ।
 अतिक्रान्ते सप्तरात्रे जितोसौ शत्रुमर्हति ॥ १९४ ॥
 श्रावयित्वा यथाकार्यं त्यजेदन्यद्वेदेसौ ।
 अन्यपक्षाध्यस्तेन कृतो वादी स हीयते ॥ १९५ ॥
 न मयाभिहितं कार्यमभियुज्य परं वदेत् ।
 विप्रपञ्च भवेदेवं हीनं तमपि निर्दिशेत् ॥ १९६ ॥
 लेखयित्वा तु यो वाक्यं हीनं वाप्यधिकं पुनः ।
 वदेद्वादी स हीयते नामयोगं तु सोर्हति ॥ १९७ ॥
 सभ्याश्च साक्षिणश्चैव क्रिया शेषा मनीषिभिः ।
 तां क्रियां ह्येष्टि यो मोहात्क्रियाद्वेयी स उच्यते ॥ १९८ ॥
 आह्वानादनुपस्थानात्सद्य एव प्रहीयते ॥ १९९ ॥
 ब्रूहेत्युक्तोपि न श्रूयात्सद्यो बन्धनमर्हति ।
 द्वितीयेहनि दुर्लभेर्विद्यात्तस्य पराजयम् ॥ २०० ॥
 द्याजेनैव तु यत्रासौ दीर्घकालमभीप्सति ।
 सापदेशं तु तद् विद्याद्वादहानिकरं स्मृतम् ॥ २०१ ॥
 अन्यवादी पणान्पञ्च क्रियाद्वेयी पणान्दश ।
 मोपस्थाता दश द्वौ च षोडशैव निरुत्तरः ।
 आहूतप्रपलायी च पणान्मासस्तु विंशतिम् ॥ २०२ ॥

- 194 परा. मा III p 81, स्मृतिच० III p 105
 195 अपराकं p 622, स्मृतिच० III p 106, वीर० p 98, स वि p 102.
 196 अपराकं p 622, स्मृतिच० III p 106 वीर० p 98, स वि p 102
 197 अपराकं p 622, स्मृतिच० III p 106, परा. मा III p 81, वीर० p 98, स वि p 102
 198 स्मृतिच० III p 106, परा मा III p 82, वीर० p 98, स वि p 102
 199 परा. मा III p 82, वीर० p 98 स्मृतिच० III p 107, स. वि p 102
 200 स्मृतिच० III p 107, परा मा III 82 वीर p 98 (reads हयस्त-
 दनमर्हति), स वि. p 102
 201 अपराकं p 622 स्मृतिच० III p 107, वीर० p 98 (reads-दालमति
 हयेत्)
 202 स्मृतिच० III p 107, परा मा III p 83 वीर० p 99, स वि 103
 स्मृतिच० reads आहूतप्रपलायी and न वि reads आहूतप्रपलायी (f)

विराहतमनायान्तमाहृतप्रपलायिनम् ।
 पञ्चरात्रमातिक्रान्तं विनयेत्त महोपति ॥ २०३ ॥
 ध्याचितव्यवहाराणामेकं यत्र प्रभेदयेत् ।
 वादिनं लोभयेच्चैव हीनं तमिति निर्दिशेत् ॥ २०४ ॥
 भयं करोति भेदं वा भीषणं वा निरोधनम् ।
 एतानि वादिनोर्थस्य व्यवहारे स हीयते ॥ २०५ ॥
 दोषानुरूपं सग्राह्यं पुनर्वाचो न विद्यते ।
 उभयोर्लिखिते वाच्ये प्रारब्धे कार्यनिश्चये ।
 अयुक्तं तत्र यो मृशान्स्मादर्थोत्स हीयते ॥ २०६ ॥
 साक्षिणो यस्तु निर्दिश्य कामतो न विवादयेत् ।
 स बादी हीयते तस्मात् त्रिशद्वात्रात्परेण तु ॥ २०७ ॥
 पलायनानुत्तरत्वादपक्षधयेण च ।
 हीनस्य गृह्यते वादो न स्वचाक्षुजितस्य तु ॥ २०८ ॥
 यो हीनवाक्येन जितस्तस्योद्धारं विदुर्बुधा ।
 स्ववाक्यहीनो यस्तु स्यात्तस्योद्धारो न विद्यते ॥ २०९ ॥
 आयेद्यं प्रगृहीतार्थां प्रशमयान्ति ये मिथ
 सर्वे द्विगुणदण्ड्याः स्युः विप्रलम्भाघृष्यस्य ते ॥ २१० ॥

203 स्मृतिच० III p 103 परा मा p 83, वीर० p 99

204 स्मृतिच० III p 106, वीर० p 99 (reads तमपि for तमिति), स वि
 p 103 (reads तमपि)

205 स वि p 103

206 अणुराकं p 615 (reads अनुत्तर for अयुक्त) परा मा III pp 83 84,
 वीर० p 74 स्मृतिच० III p 109 परा मा and स्मृतिच० read वाक्ये
 for वाच्ये

207 अणुराकं p 622, स्मृतिच० III p 110

208 व्य मा p 310, वीर० p 103 स्मृतिच० III p 111 व्य मा
 ascribes it to बृहत्सति

209 स्मृतिच० III p 111 वीर० p 103 (reads हीनविहीन)

210 स्मृतिच० III p 112 परा मा III p 84 वीर० p 104 परा मा
 and वीर० read प्रगृहीतार्थां

(क्रियापादः)

कारणात्पूर्वपक्षोपि ह्युत्तरत्वं प्रपद्यते ।

अतः क्रिया तदा प्रोक्ता पूर्वपक्षप्रसाधिनी ॥ २११ ॥

शोधिते लिखिते सम्भ्यागिति निर्दोष उत्तरे ।

प्रत्यर्थिनोर्थिनो चापि क्रियाकरणमिष्यते ॥ २१२ ॥

वादिना यदमिषितं स्वयं साधयितुं स्फुटम् ।

तत्साध्यं साधनं येन तत्साध्यं साध्यतेपिलम् ॥ २१३ ॥

(प्रमाणानि, तेषां च बलवत्तादिविवारः)

लिखितं साक्षिणो भुक्तिः प्रमाणं त्रिविधं विदुः ।

लेशोद्देशस्तु युक्तिः स्यादिव्यानीह विपादयः ॥ २१४ ॥

पूर्वपादेमि लिखिते यथाक्षरमशेषतः ।

अर्थो तृतीयपादे तु क्रियया प्रतिपादयेत् ॥ २१५ ॥

कार्यं हि साध्यमित्युक्तं साधनं तु क्रियेऽन्यते ।

द्विमेदा सा पुनश्चैवा दैविकी मानुषी तथा ।

मानुषी लेख्यसाक्ष्यादिवैद्यः दिवैविकी मता ॥ २१६ ॥

संभवे साक्षिणां ग्रहो दैविकी वर्जयेत्क्रियाम् ।

संभवे तु प्रयुञ्जानो दैविकीं हन्यते ततः ॥ २१७ ॥

यद्येको मानुषीं द्रष्टादन्यो द्यात्तु दैविकीम् ।

मानुषीं तत्र गृहीयाद्वा तु दैवीं क्रियां नृपः ॥ २१८ ॥

211 अपराकं p. 624, परा. मा. III p. 87, बीर० p. 79.

212 स्मृतिच० III p 118, बीर० p. 102, स. वि. p. 105 (reads क्रिया
कारणमिष्यते)

213 स्य. मा. p. 334, बीर० p. 107.

214 बीर० p 110, परा. मा. III. p. 91 (reads साक्षिणो लिखितं भुक्तिः and
लेशोद्देशस्तु युक्तिः).

215 बीर० p 111.

216 अपराकं p 618.

217 स्मृतिच III p 116

218 मिता (on या. II 22), स्य. मा. p 316, अपराकं p. 628, स्मृतिच०
III. p. 116, परा. मा III 87, बीर० p. 111.

यद्येकदेशाश्चापि क्रिया विद्येत मानुषी ।
 सा ग्राह्या न तु पूर्णापि दैविकी यदतां नृणाम् ॥२१९॥
 पञ्चमकारं दैवं स्यान्मानुष त्रिविधं स्मृतम् ॥ २२० ॥
 क्रियां बलवतीं मुक्ताया दुर्बलां योवलम्ब्यते ।
 स जयेचधृते सभ्यै पुनस्तां नामुयात् क्रियाम् ॥२२१॥
 सारभूतं पदं मुक्त्वा असारणि वह्न्यपि ।
 संसाधयेत्क्रिया या तु तां जह्यात्सारवर्जिताम् ॥
 पक्षद्वयं साधयेन्ना तां जह्याद्दूरतः क्रियाम् ॥ २२२ ॥
 क्रिया न दैविकी प्रोक्ता विद्यमानेषु साक्षिषु ।
 लेख्ये च सति पादेषु न दिव्यं न च साक्षिण ॥२२३॥
 कालेन हीयते लेख्यं दूषितं न्यायतस्तथा ।
 अलेख्यसाक्षिके दैवं व्यवहारे विनिर्दिशेत् ।
 दैवसाध्ये पारमेयी न लेख्यं वा प्रयोजयेत् ॥ २२४ ॥
 पूगधेनिगणादीनां या द्रियति परिकीर्तिता ।
 तस्यास्तु साधनं लेख्यं न दिव्यं न च साक्षिणः ॥२२५॥
 द्वारमार्गक्रियाभोगजलवाहादिके तथा ।
 मुक्तिरेव हि गुर्वी स्यान्न लेख्यं न च साक्षिणः ॥२२६॥
 दत्तादत्तेष्वभृत्यानां स्वामिना निर्णये सति ।
 विक्रयादानसंयम्ये जीत्वा धनमयच्छति ॥ २२७ ॥

219 क्रिया (on या II 22), व्य मा p 311, स्मृतिच. III p 116,
 परा मा III p 88, वीर० p. 111, अपरार्क reads प्राप्तापि for व्याप्तापि
 and न्याय्या for ग्राह्या -य मा and वीर० also read प्राप्तापि

220 स्मृतिच. III p 124

221 क्रिया (on या II. 80), -य मा pp 291, 300, 306, वीर० p. 108

222 स्मृतिच० III p 116 (has first two lines), वीर० p 108

223 -य मा pp 306, 308, 315, अपरार्क p 690 (which reads देवा for
 श्रेष्ठ), परा मा III p 88 (which reads क्रिया तु...ग्राह्या).

224 -य मा p 340 (first line), स्मृतिच० III. p 149 (has only the
 half अलेख्य०) वीर० p 113 114 (has last two lines)

225-228 स्मृतिच० III p 122, क्रिया (on या II 22 without
 name), परा मा III pp 88-89, अपरार्क p 629, वीर० p 112

दूते समाह्वये चैव विवादे समुपस्थिते ।
 साक्षिणः साधनं प्रोक्तं न दिव्यं न च लेख्यकम् ॥२२८॥
 प्रक्रान्ते साहसे वादे पारम्ये दण्डवाचिके ।
 बलोज्ज्वलेषु कायेषु साक्षिणा दिव्यमैव वा ॥ २२९ ॥
 गृहसाहसिकानां तु प्राप्त दिव्यैः परीक्षणम् ।
 युक्तिचिह्नेहिताकारवाक्यबुद्धेष्टितैर्नृणाम् ॥ २३० ॥
 उच्यते च सर्वेषु साहसेषु विचारयेत् ।
 सद्भावं दिव्यदृष्टेन सत्सु साक्षिषु वै भृगु ॥ २३१ ॥
 समत्वं साभिणां यत्र दिव्यैस्तत्रापि शोधयेत् ।
 प्राणान्तिकाविवादेषु विद्यमानेषु साक्षिषु ।
 दिव्यमालम्ब्यते वादी न पृच्छेत्तत्र साक्षिण ॥ २३२ ॥
 ऋणे लेख्यं साक्षिणो वा युक्तिलेशादप्यपि वा ।
 दैविकी वा क्रिया प्रोक्ता प्रजानां हितकाम्यया ॥२३३॥
 घोदना प्रतिकाल च युक्तिलेशस्तथैव च ।
 तृतीयः शपथः प्रोक्तः तैर्ऋणं साधयेत्कृत्वा ॥ २३४ ॥
 अर्भाणं चोद्यमानोपि प्रतिहन्यान्न तद्वचः ॥
 त्रिः चतुः पञ्चहव्यो वा परतोऽयं समाचरेत् ॥ २३५ ॥
 घोदनाप्रतिधाने तु युक्तिलेशे समान्वियात् ।
 नेशकालार्थ-संबन्ध परिमाण क्रियाविधि ॥ २३६ ॥

मिता• reads न दि०य for न लेख्य and जलव हादिपुक्रिया, परा मा reads
 हाभिना for स्वाभिना, अपराक reads दत्तादत्त तथास्ते गीर• reads
 दत्तादत्तेषु and स्वाभिना and वाहादिषु क्रिया

229 अपराक p 629, स्मृतिच० III p 117 (which reads बलोज्ज्वलेषु),
 मिता• on वा II 22 (दिव्यमैव च) परा मा III p 91, व सि p
 107 (reads बलोज्ज्वलेषु)

230 स्मृतिच० III p 117, गीर• p 113 (युक्तिचिह्नेहिता•)

231 स्मृतिच० III p 117, परा मा III p 90 (reads सर्वे तु दिव्य•)

232 स्व. मा p. 310 अपराक p 620, स्मृतिच० III p 121, परा मा III
 p 90, गीर• p 114 २५ मा reads तत्र विनो धयेत् and दिव्यमात्र
 च न स्मृतिच० reads प्रक्रान्तकारणं हे वा.

233 स्मृतिच० III p 118, परा मा III p 91 (reads युक्तिलेशादप्यपि
 वा) न सि p 107

234 237 परा मा III p 91 (reads युक्तिमैवस्तथैव and युक्तिलेशे, शपथे

मुक्तिश्चैव तस्यार्थानु शरणेरेव निर्णयेत् ।
 अर्थकालयलापेक्षैरभ्यन्युसुहृतादिभिः ॥ २३७ ॥
 यत्र स्यात्सोपधे लेख्यं तद्वाच्यं ध्यावितं यदि ।
 दिव्येन शोधयेत्तत्र राजा धर्मासनास्थितः ॥ २३८ ॥
 वाक्पाराय्ये च भूमौ च दिव्यं न परिकल्पयेत् ॥ २३९ ॥
 स्थावरेषु विवादेषु दिव्यानि परिधारयेत् ।
 साक्षिभिरलिखितेनार्थे(र्थे) भुक्त्या चैव प्रसाधयेत् ॥ २४० ॥
 प्रमाणैर्हेतुना यापि दिव्येनैव तु निश्चयम् ।
 सर्वेष्वेव विवादेषु सदा कुर्यात्प्रसाधिपः ॥ २४१ ॥
 लिखितं साक्षिणो भुक्तिः प्रमाणं त्रिविधं स्मृतम् ।
 अनुमानं विदुर्हेतुं तर्कं चैव मनीषिणः ॥ २४२ ॥
 पूर्वोभाये परेणैव नान्यथैव कदाचन ।
 प्रमाणैर्यादिनिर्दिष्टैर्भुक्त्या लिखितसाक्षिभिः ॥ २४३ ॥
 न चाधिदमियोक्तारं दिव्येषु विनियोजयेत् ।
 अभियुक्ताय दातव्यं दिव्यं दिव्यविशारदैः ॥ २४४ ॥
 मिथ्योक्तौ स चतुर्णां स्थाप्यस्क्रन्दने तथा ।
 प्राद्वन्याये स च विज्ञेयो द्विपात्संप्रतिपत्तिषु ॥ २४५ ॥

न यदेवेत, बलापेक्षं). स्मृतिच० (III pp. 117-118) appears to attribute these four to नारद.

238 अपरांक p 630, स्मृतिच० III p. 122, बीर० p 116 (reads एते)
 परा. मा. III p. 90 (यत्राजभाषितं)

239 अपरांक p. 629, स्मृतिच० III p. 121.

240 व्य. मा. p. 308.

241 अपरांक p 628, स्मृतिच० III p 118, व्य. मा. p 314, स. वि. p. 107 (reads सर्वेष्वर्थविशारदेषु)

242 स. वि. p. 107, बीर० p 116 (ascribes it to व्यास)

243 व्य. मा. p. 314, स्मृतिच० III p. 118 (first half), अपरांक p 628 (first half). स्मृतिच० reads सर्वमिति तु यत्नेन and अपरांक reads तु यत्नेन for परैवेव.

244 परा. मा. III p. 162, बीर० p. 116.

245 स्मृतिच० III p. 120, स. वि. p. 108.

पराजयश्च द्विविधः परोक्तः श्रुतः एव च ।
 परोक्तः स्याद्दशविधः श्रुतः पञ्चविधः स्मृतः ॥ २४६ ॥
 विद्यादान्तरत्नप्रदान्तिः पूर्वोक्तगविरुद्धता ।
 दूषणं स्वक्रियोपपत्तेः परयापयोपपादतम् ॥ २४७ ॥
 अनिर्देशश्च देशस्य निर्देशोद्देशकालयोः ।
 साक्षिणामुपजापश्च विद्वेषो वचनस्य च ॥
 अयुक्तदेशोपनयः साक्षिग्रन्थनिराक्रिया ॥ २४८ ॥
 (लेख्यम्)

लेख्यं तु द्विविधं प्रोक्तं स्वदस्ताव्यवृत्तं तथा ।
 असाक्षिमतसाक्षिमद्य मिद्विर्देशस्थितेस्तयोः ॥ २४९ ॥
 प्राद्वेषेण स्वदस्तेन लिखितं साक्षिषर्जितम् ।
 स्वदस्तेलेख्यं विज्ञेयं प्रमाणं तत्स्मृतं पुनः ॥ २५० ॥
 उत्पत्तिजातिसंज्ञां च धनसम्पत्त्यां च लेखयेत् ।
 स्मरत्येवं प्रयुक्तस्य नश्यदर्थस्यलेखितः ॥ २५१ ॥
 लेख्यं तु साक्षिमतकार्यमपिलुताक्षरम् ।
 देशाद्यावस्थितिपुनः समग्रं सर्ववस्तुषु ॥ २५२ ॥
 यर्णयापयक्रियापुनः मन्दिषं स्पृष्टाक्षरम् ।
 मर्दानमविष्टं च लेख्यं तत्तिक्षिमाप्रयात् ॥ २५३ ॥
 यातुर्विधपुनः भेषीगणपौरादिकस्थितिः ।
 मानिष्यार्थं तु यावत्स्थं तद्व्योदस्थितिपत्रकम् ॥ २५४ ॥
 अभिज्ञातं समुत्तमं प्रायश्चित्तं कृते जने ।
 विद्वद्विषयकं धेयं तेभ्यः साक्षिसमन्वितम् ॥ २५५ ॥

246-248 म. म. 11 p. 254-255

249 परा. मा. III p. 130. This is नारद (नारद verse 135). श्रीर.
 p. 110 and मित्र. on रा. II. 64 ascribe it to नारद. जयरा.
 I. 64 cites the verse without naming the author.

250 म. म. 11 p. 136 परा. मा. III p. 127.

251-53 इ. म. म.

254 म. म. 11 p. 138 This is ascribed to विष्णु by परा. मा. III
 p. 128

255 म. म. p. 25, 41 (134) This is ascribed to विष्णु by परा.
 मा. I. 125 and II. 13 (13) or II. 115.

उत्तमेषु समस्तेषु अभिशाप समागते ।
 वृत्तानुवादलेख्य यत्तज्ज्ञेय सन्धिपत्रकम् ॥ २५६ ॥
 सीमाविवादे निर्णीते सीमापत्र विधीयते ॥ २५७ ॥
 राज स्वहस्तसयुक्त समुद्राचिह्नित तथा ।
 राजकीय स्मृत लेख्य सर्वेष्वर्थेषु साक्षिभूतम् ॥ २५८ ॥
 अर्थिप्रत्यर्थिवाग्न्यानि प्रतिज्ञा साक्षिवाप्तया ।
 निर्णयश्च यथा तस्य यथा चावभृत् स्वयम् ॥ २५९ ॥
 यतश्चाक्षर लेख्ये यथापूर्वं निवेशयेत् ।
 अभियोक्त्रभियुक्तानां यच्चन प्राद्वनिवेशयेत् ॥ २६० ॥
 सभ्यानां प्राद्विवाकस्य कुलानां वा तत परम् ।
 निश्चय स्मृतिशास्त्रस्य मत तत्रैव लेखयेत् ॥ २६१ ॥
 सिद्धेनार्थेन सयोग्यो वादी सत्कारपूर्वकम् ।
 लेख्य स्वहस्तसयुक्त तस्मै दद्यात् पार्थिव ॥ ६२ ॥
 सभासदश्च ये तत्र स्मृतिशास्त्रमिदं स्थिता ।
 यथालेख्यविधौ तद्वत् स्वहस्त तत्र दापयेत् ॥ २६३ ॥
 अनेन विधिना लेख्य पश्चात्कार विदुर्बुधा ।
 निरस्ता तु त्रिधा यत्र प्रमाणेनैव चादिना ।
 पश्चात्कारो भयतत्र न सर्गास्तु विधीयते ॥ २६४ ॥

256 अथ म p 25 वीर० p 183

257 स्मृतिच० III p 137, परा III p 128 अथ म 25, वीर p 190

258 टोडरान द

259 स्मृतिच० III p 130 व्यवहारात्तत्र p 230 अथ मा p 309 (which reads यथाचारित) while अथ म p 353 has the same verse and reads प्रतिज्ञावचन तथा and तथा वाक्यम्

260 स्मृतिच० III p 130 अथ मा p 309 (first half) reads लेख्य for कर्तव्ये अथ मा p 303 has first half and reads तत्रपश्चात्

261 स्मृतिच० III p 130

262 अपराधं p 684 (reads मिदं चार्थेन) स्मृतिच० III 130 p वीर० p 193

263 स्मृतिच० III 130 अथ मा p 09 and p 353 वीर० p 193 (which reads एतद्वत् दपश्यत)

264 स्मृतिच० III p 171, परा मा p 124 125 वीर० p 193

मन्यथाद्यादिहीनेभ्य इतरेषां प्रदीयते ।

घृत्तानुवावसंसिद्धं तच्च स्याज्जयपत्रकम् ॥ २६५ ॥

(लेख्यपरीक्षा)

राजाज्ञया समाहृत्य यथान्यायं विचारयेत् ।

लेख्याचारेण लिखितं साक्ष्याचारेण साक्षिण ॥ २६६ ॥

वर्णवाक्यक्रियायुक्तमसंदिग्धं स्फुटाक्षरम् ।

जहीननामचिह्नं च लेख्यं तत्सिद्धिमाप्नुयात् ॥ २६७ ॥

देशाचारयुतं वर्षमासपक्षादिबुद्धिमत् ।

नृणिसाक्षिलेखकानां हस्ताङ्गं लेख्यमुच्यते ॥ २६८ ॥

स्यानभ्रष्टास्त्वपङ्क्तिस्था संदिग्धा लक्षणच्युता ।

यदा तु संस्थिता वर्णाः कूटलेख्यं तदा भवेत् ॥ २६९ ॥

देशाचारविरुद्धं यत्संदिग्धं प्रमवर्जितम् ।

वृत्तमस्वामिना यद्य साध्यहीनं च दुष्यति ॥ २७० ॥

मत्तेनोपाधिमीतेन तथोन्मत्तेन पीडितं ।

स्त्रीभिर्बालास्वतन्त्रैश्च वृत्तं लेख्यं न सिध्यति ॥ २७१ ॥

स्यापि तं चेद् द्वितीयेदि न कश्चिद्विनिवर्तयेत् ।

तथा तत्स्यात्प्रमाणं तु मत्तेनमत्तवृत्ताद्वते ॥ २७२ ॥

265 स्मृतिच० III p 131, परा मा III 125, बोर० p 105, दोडरानन्द.
परा मा. reads विषावदे for प्रदीयते and घृत्तानुवादसंसिद्धि .

266 स्मृतिच० III p 189 (reads क्रियां समाहृत्य) and also p 195, परा
मा III p 129, बोर० p 197 (reads राजा क्रिया), स वि. p 119
(also reads क्रियां समाहृत्य and suggests that समादाय would be
good a reading)

267 स्मृतिच० III p 139, परा मा III p 129, स वि p 119.

268 स्मृतिच० III p 140

269 स्मृतिच० III p 141, परा मा III 130 (which reads भक्तान्तरया)

270 अपवादं p 686, स्मृतिच० III p 141 (reads वृत्तं च स्वामिना),
परा मा III p. 131, बोर० p 197,

271 स्मृतिच० p 141 (मत्तेनोपाधि०) स वि p 119.

272 दोडरानन्द

साक्षिदोषाद्भवेद्दुष्टं पत्रं च लेखकस्य वा ।
 धनिकस्योपधादोषात्तथा धारणिकस्य वा ॥ २७३ ॥
 दुष्टैर्दुष्टं भवेत्लेख्यं शुद्धं शुद्धैर्विनिर्दिशेत् ।
 तत्पत्रमुपधादुष्टं साक्षिलेखककारकैः ॥ २७४ ॥
 प्रमाणस्य हि ये दोषा यत्कव्यास्ते विद्यादिना ।
 गूढास्तु प्रकट्या सम्भवे काले शास्त्रप्रदर्शनात् ॥ २७५ ॥
 साक्षिलेखककर्तारं कूटता यान्ति ते यथा ।
 तथा दोषा प्रयोक्तव्या दुष्टैर्लेख्यं प्रदुष्यात् ॥ २७६ ॥
 न लेखकेन लिखितं न दृष्टं साक्षिभिस्तथा ।
 एव प्रत्यर्थिनोक्ते तु कूटलेख्यं प्रकीर्तितम् ॥ २७७ ॥
 नातथ्येन प्रमाणं तु दोषेणैव तु दूषयेत् ।
 मिथ्याभियोगे दण्ड्यं स्यात्साध्यार्थाच्चापि हीयते ॥ २७८ ॥
 एव दुष्टं नृपस्थानं यस्मिन्स्तद्धि विचार्यते ।
 विमृश्य ग्राह्यं सार्धं पत्रदोषाधिकरूपयेत् ॥ २७९ ॥
 येन ते कूटतां यान्ति साक्षिलेखककारकाः ।
 तेन दुष्टं भवेत्लेख्यं शुद्धं शुद्धिं विनिर्दिशेत् ॥ २८० ॥

273 न्व मा p 338 अपरार्क p 696 परा मा III p 131 स्मृतिच० III
 p 142 (वनेकस्यापि वा), टेट्रान द (reads धनिकस्योपधादेः), वीर०
 p 197,

274 न्व मा p 338, वीर० p 197

275 स्मृतिच० III p 142 and p 192, परा. मा. III p 132, अपरार्क
 671 न्व न p. 39, वीर० p 164

276 स्मृतिच० III p 142 परा मा III p 132 वीर० p 199

277 अपरार्क p 689, स्मृतिच० III p 143 परा मा III p 132, वीर०
 p 198

278 स्मृतिच० III p 143, परा मा III p 132 (reads तथ्येन हि
 प्रमाणं तु)

279 स्मृतिच० III p 143, अपरार्क p 689, परा मा III p 132 133
 (attributes to दूदस्थिति)

280 स्मृतिच० III p 143 परा मा III p 133

धनिकेन स्वहस्तेन लिखितं साक्षिबर्जितम् ।
 भवेत्कुटं न चैतर्ता रुनं हीति विभावयेत् ॥ २८१ ॥
 दत्तं लेख्ये स्वहस्तं तु श्रणिफो यदि निहृते ।
 पत्रस्यैः साक्षिभिर्वाच्यो लेखकस्य मतेन वा ॥ २८२ ॥
 कृताकृतविवादेषु साक्षिभिः पत्रनिर्णयः ।
 दूषिते पत्रके यदा तदारुढांस्तु निर्दिशेत् ॥ २८३ ॥
 त्रिविधस्यापि लेख्यस्य भ्रान्तिः सञ्जायते नृणाम् ।
 श्रणिमाक्षिलेखकानां हस्तोक्त्या माघयेत्ततः ॥ २८४ ॥
 भय पञ्चत्वमापन्नो लेखकः सह साक्षिभिः ।
 तत्स्वहस्तादिभिस्तेषां विगुण्येत् न संशयः ॥ २८५ ॥
 श्रणिम्वहस्तसंदेहे औपनो वा मृतम्य वा ।
 तत्स्वहस्तवृत्तरम्यं पत्रं स्तुष्टेयनिर्णयः ॥ २८६ ॥
 समुद्रपि यदा लेख्ये मृता सर्वेपि ते स्थिताः ।
 लिखितं तत्प्रमाणं तु मृतेष्वपि हि तेषु च ॥ २८७ ॥
 प्रत्यक्षमनुमानेन न कदाचित्प्रमाप्यते ।
 तस्माद्दोष्यस्य दुष्टम्य घ्नोमिः साक्षिणां भवेत् ॥ २८८ ॥

281 अपराधं p. 680, स्मृतिव० III p 143, वीर० p 197.

282 स्मृतिव० III p 144, पद्य. मा. III p. 133 (ascribes to बृहस्पति and reads साक्षिभिर्वाचा).

283 मित्रा० on या० II. 92 (latter half), अपराधं p. 689 (first half), स्मृतिव० III p. 144, स वि p 120 (latter half only).

284 वीर० p 198, अ. मा. p. 339 (ascribes to नरद and reads हस्तोक्त्या), पद्य. मा p 134 (ascribes to बृहस्पति)

निर्णय स्थधनार्थं हि पत्र दूषयति स्वयम् ।
लिखित लिखितेनेन साक्षिमसाक्षिभिर्हरेत् ॥ २८९ ॥
कूटोक्तौ साक्षिणा वाक्याद्वेद्यस्य च पत्रकम् ।
गोचरुद्धि न च कूट स वाक्यो दममुत्तमम् ॥ २९० ॥
आदयस्य निम्नस्वस्य यच्छुकेन न याचितम् ।
शुद्धर्णशङ्कया तत्तु लेख्य दुर्लभतामियात् ॥ २९१ ॥
लेख्य विशतसमार्तातमद्वयधामिनं च यत् ।
न तत्सिद्धिमनामोति तिष्ठत्यपि हि साक्षिणुः ॥ २९२ ॥
प्रयुक्ते शान्तलभे तु लिखितं यो न दर्शयेत् ।
नैव याचेत कणिकं न तत्सिद्धिमवाप्नुयात् ॥ २९३ ॥
पश्चात्कारनिबद्ध यत्तद्वत्नेन विचारयेत् ।
यदि स्याद्युक्तियुक्तं तु प्रमाणं लिखितं तदा ॥ २९४ ॥
अन्यथा दूरतं कार्यं पुनरेव विनिर्णयेत् ।
अतथ्यं तथ्यभावेन स्थापितं ज्ञानविभ्रमात् ॥
निषर्त्य तत्प्रमाणं स्याद्यत्नेनापि कृतं नृपैः ॥ २९५ ॥
मुद्राशुद्ध क्रियानुबध्नुतिशुद्ध सचिद्वकम् ।
राष्ट्रं स्वहस्तसशुद्धं शुद्धिमायाति शासनम् ॥ २९६ ॥
निर्दोषं प्रथितं यत्तु लेख्यं तत्सिद्धिमाप्नुयात् ॥ २९७ ॥
दृष्टे पत्रं स्फुटान् दोषाश्लोकयानुषङ्गिको यदि ।

- 289 अपराक p 689 स्मृतिच० III 145, परा मा III p 134 (only latter half) अपराक has on p 690 the latter half joined to साक्षिभ्यो लिखितं यद्यो लिखितम् तु माणिष (but no author is named) while स्मृतिच० ascribes latter half to नारद
290 अपराक p 689 वीर० p 199 परा मा III p 134 (only first half) and p 138 (where we have whole verse and वाक्य for वाक्यात्)
291 93 परा मा III pp 134 135 अपराक 692 (attributes to बृहस्पति) एव मा p 340 (has 291 292 and ascribes to बृहस्पति) and p 294 (has 291) स्मृतिच० III p 152 (ascribes 291 to बृहस्पति and 292 293 to वासिष्ठ्यन) reads तत्सादिग्यवमाप्नुयात्
294 95 स्मृतिच० III p 145-6
296 अपराक p 684 स्मृतिच० III 1 116, व वि p 121
297 परा मा III 1 126 .

ततो विंशतिवर्षाणि स्थितं पत्रं स्थिरं भवेत् ॥ २९८ ॥
 शकस्य संनिधावर्थो येन लेख्येन भुज्येत ।
 वर्षाणि विंशतिं यावत्तत्पत्रं दोषवर्जितम् ॥ २९९ ॥
 अथ विंशतिवर्षाणि आधिर्मुक्तं सुनिश्चितम् ।
 तेन लेख्येन तस्मिन्निर्लेख्यदोषविवर्जितम् ॥ ३०० ॥
 सीमाविधादे निर्णीति सीमापत्रं विधीयते ।
 तस्य दोषा प्रयत्नव्या यावद्वर्षाणि विंशति ॥ ३०१ ॥
 आध्यात्मसहितं यत्र ऋणं लेख्ये निवेशितम् ।
 मृतसाक्षि प्रमाणं तु स्वल्पभोगेषु तद्विदुः ॥ ३०२ ॥
 प्राप्तं योनेन चेत्किञ्चिद्दानं चाप्यनिरूपितम् ।
 विनापि मुद्रया लेख्यं प्रमाणं मृतसाक्षिकम् ॥ ३०३ ॥
 यदि लेख्यं भवेत्किञ्चित् प्रहसिर्वा कृता भवेत् ।
 प्रमाणमेव लिखितं मृता यद्यपि साक्षिणः ॥ ३०४ ॥

298 इयं मा p 340 (reads कन्तपत्र), परा मा III p 136 (reads तथा दृष्ट स्फुट दोष and कन्तपत्र रिषत) वीर० p 200

299 मिता० on या II 24 (reads विंशतिवर्षाण्यतिवन्त), अपरार्क p 690, इयं मा p 340 (reads वर्षो for वर्षो) स्मृतिच० III p 146 (reads येन लेख्येन) and 154 (reads दश वर्षाण्यतिवन्त), परा मा III p 136, वीर० p 200 and स. वि 127 (read विशद्वर्षाण्यतिवन्त)

300 मिता० on या II 24, स्मृतिच० III p 140 (ascribes to स्मृत्यन्तर immediately after citing कात्यायन) अपरार्क p 691 (reads तस्मिन् लेख्य दोषविवर्जितम्), परा मा III p 136 (reads as अपरार्क does), स. वि p 121 (ascribes to स्मृत्यन्तर after citing कात्यायन and reads like अपरार्क), वीर० p 200, स. वि p 128

301 मिता० on या II 24 अपरार्क p 691, परा मा III p 136, वीर० p 200 स्मृतिच० III p 146 and स. वि p 121 attribute to स्मृत्यन्तर while स. वि p 128 attributes this and the preceding to कात्यायन

302 अपरार्क p 691, परा मा III p 136 (reads मृत साक्षिप्रमाण)

303 परा मा III p 137, वीर० p 200 (reads दोष वाप्यनिरूपितम्)

304 अपरार्क p 691, परा मा III p 137, स. वि p 122 अपरार्क attributes to नारद

दर्शित प्रतिकाल यद् प्राहित स्मारित तथा ।
 लेख्य सिध्यति सर्वत्र मृतेष्वपि च साक्षिषु ॥ ३०५ ॥
 न दिव्यै साक्षिभिर्वापि हीयते लिपित कवित् ।
 लेख्यधर्मं सदा श्रेष्ठो ह्यतो नाभ्येन हीयते ॥ ३०६ ॥
 तदुक्तप्रतिलेख्येन तद्विशिष्टेन वा सदा ।
 लेख्यक्रिया निरूप्येत निरूप्याभ्येन न कवित् ॥ ३०७ ॥
 दर्पणस्य यथा विम्बमसत्सदिव दृश्यते ।
 तथा लेख्यस्य विम्बानि कुर्वन्ति कुशला जना ॥ ३०८ ॥
 द्रव्यं गृहीत्वा यलेख्य परस्मै सप्रदीयते ।
 छत्रमन्येन चारूढं सयत चाभ्यवश्रमनि ॥ ३०९ ॥
 दत्ते घृतेयवा द्रव्ये कचिद्विहितपूर्वके ।
 एव एव विधिर्ह्येव लेख्यशुद्धिर्निर्णये ॥ ३१० ॥
 स्थावरे विक्रयाधाने लेख्यं कूटं करोति यः ।
 स सम्प्रभाषितं कार्यो जिह्वापाप्यदिप्रवर्जितं ॥ ३११ ॥
 मलैर्यद्देदितं दग्धं छिद्रितं घीतमेव वा ।
 तद्व्यक्तकारयेलेख्यं स्वेदेनोद्विहितं तथा ॥ ३१२ ॥

(भुक्ति)

लिखित साक्षिणो भुक्तिः प्रमाणत्रयमिष्यते ।
 प्रमाणेषु स्मृता भुक्तेः सहेत्यसमता नृणाम् ॥ ३१३ ॥

305 स नि p 122

306 अपराधं p 692 स्मृतिषः III p 151 अथ मा p 314 (reads तद्विषये and लेख्ये धर्मं), स नि p 123

307 अपराधं p 692 (reads तदुक्तेः and न तद्विशिष्टपदैः कवित्) स्मृतिषः III p 151 स नि p 123 (तदुक्तं प्रतिः) दोहराज-द (reads like अपराधं)

308 स्मृतिषः III p 148 अथ मा p 339 वीरः p 197

309-310 स्मृतिषः III p 152

311 एव मा III p 198 (reads अतस्मात्प्रभाषितं) स्मृतिषः III p 160

312 अपराधं p 687 स्मृतिषः III p 158

313 स्मृतिषः III p 153 स नि p 124 (reads स्थिरा भुक्तिः यद्वैक्या समता)

रण्यानिर्गमनद्वारजलवाहादिसंशयेः।

भुक्तिरेव तु गुर्वी स्यात्प्रमाणेष्विति निश्चयः ॥ ३१४ ॥

अनुमानाद् गुरुः साक्षी साक्षिभ्यो लिखितं गुरु ।

अव्याहता त्रिपुरुषी भुक्तिरेभ्यो गरीयसी ॥ ३१५ ॥

नोपभोगे यत्नं कार्यमाहर्त्रा तत्सुतेन वा ।

पशुखीपुरुषादीनामिति धर्मो व्यवस्थितः ॥ ३१६ ॥

भुक्तिस्तु द्विविधा प्रोक्ता सागमानागमा तथा ।

त्रिपुरुषी या स्वतन्त्रा सा चेदल्पा तु सागमा ॥ ३१७ ॥

मुख्या पैतामही भुक्तिः पैतृकी चापि संमता ।

त्रिभिरेतैरविच्छिन्ना स्थिरा पृथग्यष्टिकी मता ॥ ३१८ ॥

सागमेन तु भुक्तेन सम्यग्भुक्तं यदा तु यत् ।

आहर्ता लभते तच्च नापहार्यं तु तत्कचित् ॥ ३१९ ॥

ग्रन्थागमलेख्येन भोगारूढेन यादिना ।

कालः प्रमाणं दानं च कर्तिर्नीयानि संसदि ॥ ३२० ॥

स्मार्तकाले क्रिया भूमेः सागमा भुक्तिरिष्यते ।

अस्मार्तनुगमाभावाद् क्रमात्त्रिपुरुषागता ॥ ३२१ ॥

314 स्मृतिच० III. p. 153, परा. मा. III. p. 146, स. वि. p. 124 (reads रण्यानिर्गमनद्वारे जनवाहादिसंशये, परा. मा. reads रण्यानिर्गमनद्वारे जनवाहादिसंशये).

315 अ. मा. p. 813.

316 मिता० on वा. II. 24, स्मृतिच० III p. 155, परा. मा. III p. 147, स. वि. p. 126.

317 स्मृतिच० III. p. 167 (which reads स्वतन्त्रानागमाख्या तु सागमा) परा. मा. III p. 141.

318 अपराकं p. 636, वीर० p. 206, कृष्णकल्पतरु.

319 अ. मा. p. 845 and टीकानन्द, both ascribe to विष्णु and ब्रह्मवन्द; compare विष्णुधर्मसूत्र V. 181.

320 स्मृतिच० III. p. 162, परा. मा. III. p. 140, स. वि. p. 130.

321 मिता० on वा. II. 27, अपराकं p. 636 (ascribes to सूत्र्यन्तर), अ. मा. p. 346 (अस्मार्तकालेनुगमात् आवात् ?), परा. मा. III. p. 142 (first half), स. वि. p. 133, स्मृतिच० III. p. 163, वीर० p. 204 (ascribes to नारद).

आदौ तु कारणं दानं मध्ये भुक्तिस्तु सागमा ।
कारणं भुक्तिरेयंका संतता या त्रिपौरुषी ॥ ३२२ ॥
आहर्ता भुक्तियुक्तोपि लेख्यदोषान्विशोधयेत् ।
तत्सुतो भुक्तिदोषास्तु लेख्यदोषास्तु नामुयात् ॥ ३२३ ॥
येनोपात्तं हि यद्द्रव्यं सोमियुक्तस्तदुचरेत् ।
चिरकालोपभोगेपि भुक्तिस्तस्यैव भेष्यते ॥ ३२४ ॥
चिरन्तनमविज्ञातं भोगं लोभान्न चालयेत् ॥ ३२५ ॥
पित्रा मुक्तं तु यद्द्रव्यं भुक्त्याचारेण धर्मतः ।
तस्मिन्नेवे न वाच्योऽसौ भुक्त्या प्राप्तं हि तस्य तत् ॥ ३२६ ॥
त्रिभिरेव तु या भुक्ता पुरुषर्भू यथाविधि ।
लेख्याभावेपि तां तत्र चतुर्थः समयामुयात् ॥ ३२७ ॥
यथा क्षीरं जनयति दधि कालाद्गस्तान्वितम् ।
दानहेतुस्तथा कालाद्भोगस्त्रिपुरुषागठः ॥ ३२८ ॥
भुक्तिर्यलयती शाले सन्तता या चिरन्तनी ।
विच्छिन्नापि तु सा क्षेया या तु पूर्वमस्ताधिता ॥ ३२९ ॥
न भोगं कल्पयेत्स्त्रीषु देयराजधनेषु च ।
वालथोत्रियविधौ च मातुतः पितुतः क्रमात् ॥ ३३० ॥

322 अपराङ्क p. 636, परा. मा. III p. 146, व्य. मा. p. 344 and वीर.
p. 206 ascribe to नारद. व्य. मा. reads आपो तु All except
अपराङ्क read चिरन्तनी for त्रिपौरुषी.

323 स्मृतिष. III, p. 104, परा. मा. III, p. 145

324 व्य. मा. p. 343,

325 स्मृतिष. III, p. 108

326 टोडरानन्द.

327 व्य. मा. p. 341 and टोडरानन्द (both ascribe to विष्णु and राजा
वन). Compare विष्णुपर्वण V. 187.

328 व्य. मा. p. 350.

329 इत्यकल्पतद्, परा. मा. III, p. 145 (ascribes it to बृहस्पति)

330 इत्यकल्पतद्, व्य. मा. p. 351 (reads भीतिपदं च प्राप्तेपि विवृत),
टोडरानन्द (प्राप्ते च विवृत.), स्मृतिष. III, p. 108.

ग्रहचारी चरेत्कश्चिद्मतं पदनिदादादिकम् ।
 अर्थार्थी चान्यविषये दीर्घकालं वसेन्नरः ॥ ३३१ ॥
 समावृत्तोऽमती कुर्यात्स्वधनान्वेषणं ततः ।
 पञ्चाशदादिको भोगस्तद्धनस्यापहारकः ॥ ३३२ ॥
 प्रतिवेदं द्वादशब्दं कालो विद्यार्थिनां स्मृतः ।
 शिष्यविद्यार्थिनां चैव ग्रहणान्तः प्रकीर्तितः ॥ ३३३ ॥
 सुहृद्भैर्वन्धुभिश्चैषां यत्स्वं मुक्तमपश्यताम् ।
 नृपापराधिनां चैव न तरकालेन ह्रीयते ॥ ३३४ ॥
 सनाभिभिर्वान्धवैश्च यद्भुक्तं स्वजनैस्तथा ।
 भोगात्तत्र न सिद्धिः स्याद्भोगमन्यत्र कल्पयेत् ॥ ३३५ ॥

(बुद्धिः)

अर्थिनामर्थितो यस्तु विद्यार्त न प्रयोजयेत् ।
 त्रिचतुःपञ्चरुतयो वा परस्तद्वृणी भवेत् ॥ ३३६ ॥
 दानं प्रशापना भेदं संमलोमक्रिया च वा ।
 चित्तापनयनं चैव हेतवो हि विभावकाः ॥ ३३७ ॥
 एषामन्यतमो यत्र वादिना भावितो भवेत् ।
 मूलक्रिया तु तत्र स्याद् भाविते वादिनिहवे ॥ ३३८ ॥

(साक्षिणः)

न कालहरणं कार्यं राज्ञा साक्षिमभाषणे ।
 महान्दोषो भवेत्कालाखर्मव्यावृत्तिलक्षणः ॥ ३३९ ॥

331-32 परा. मा. III, 148, स्मृतिच. III. p. 168 (ascribes to नारद).

333-334 परा. मा. III p. 148, स्मृतिच. III p. 169 (ascribes to नारद)
 reads यसम्भुजम्.

335 अपरार्के p. 637, म्य. मा. p. 351 (reads सनाभि and अन्येषु), वीर.
 p. 221.

336 वीर. p. 224

337-338 हलकस्यतश्च (reads वादिनो and भावितैर्वापि), टोडरानन्द, वीर.
 pp. 224-225

339 म्य. मा. pp. 306 (reads कालग्रहणं), 328, स. वि. p. 148
 (reads काले), स्मृतिच. III. 214, टोडरानन्द.

उपस्थितान् परीक्षेत साक्षिणो नृपतिः स्वयम् ।
 साक्षिभिर्मापितं वाक्यं सभ्यैः सह परीक्षयेत् ॥३४०॥
 सम्यक्क्रियापरिहाने देयः कालस्तु साक्षिणाम् ।
 संदिग्धं यत्र साक्ष्यं स्यात्सद्यः स्पष्टं विवादेत् ॥३४१॥
 समान्तः साक्षिणः सर्वानर्थिप्रत्यर्थिसंनिधौ ।
 प्राद्विषयाको नियुज्जीत विधिनानेन सान्त्वयन् ॥३४२॥
 यद्द्वयोरनयोर्वेत्य कार्यास्मिन्नेष्टितं मिथः ।
 तद्भूतं सर्वं सत्येन गुप्ताकं ह्यत्र साक्षिता ॥ ३४३ ॥
 देवप्राह्मणसाध्विष्ये साक्ष्यं पृच्छेदृतं द्विजान् ।
 उद्वह्मुखान्प्राह्मुखान्वा पृथोह्ये वै शुचिः शुचीन् ॥
 आहूय साक्षिणः पृच्छेत्तिस्रस्य शपथैर्भृशम् ।
 समस्तान्विदिताचारान् विज्ञातार्थान्पृथक्पृथक् ॥३४५॥
 नार्थिप्रत्यर्थिसानिष्पादनुभूतं तु यद्भवेत् ।
 तद्प्राह्यं साक्षिणो वाक्यमन्यथा न पृष्टस्पतिः ॥३४६॥
 प्रख्यातकुलशीलाश्च लोभमोहवियर्जिता ।
 आत्मा शुद्धा विशिष्टा ये तेन साक्ष्यमसंशयम् ॥३४७॥

- 340 वीर. p. 165 (first half), व्य. मा. p. 331, अपराकं p. 675, मिता. on वा. II 80 (latter half).
- 341 अपराकं p. 677 (reads सद्यः स्पष्टं), स्मृतिच. III. p. 213, व. वि. p. 148 (reads पतसाक्ष्यं तु स्पष्टं सद्यो), डोडानन्द (reads स्पष्टं).
- 342 मिता. on वा. II. 73, वीर. p. 167, अपराकं p. 675 (no name), परा. मा. III. p. 107 (ascribes to मनु), व्य. मा. ascribes this and the next two to मनु and कात्यायन.
- 343 वीर. p. 167, अपराकं p. 675 (no name), परा. मा. III. p. 108 (ascribes to मनु)
- 344 मिता. on वा. II. 73, वीर. p. 167, अपराकं p. 673 and परा. मा. III p. 111 (both cite as मनु's).
- 345 मिता. on वा. II. 73, अपराकं p. 674 (ascribes to भारद्)
- 346 व्य. मा. p. 317 (reads अन्वपद), डोडानन्द, वीर. p. 142.
- 347 स्मृतिच. III. p. 174, वीर. p. 149 (reads आत्मा शिष्टा and तेषां बाल्यं).

विभाग्यो याविना यादृक् सदशैरेव भावयेत् ।
 मोल्लहधावकृष्टस्तु साक्षिभिर्भाविष्येत्सदा ॥ ३४८ ॥
 लिङ्गिनः श्रेणिपूगाश्च यणिग्नातास्तथापरे ।
 समूहस्थाश्च ये चान्ये यर्गास्तानब्रवीद्भृगुः ॥ ३४९ ॥
 दासचारणमहानां हस्त्यश्वायुधजीविनाम् ।
 प्रत्येकैकं समूहानां नायका वर्गिणस्तथा ॥
 तेषां यादः स्ववर्गेषु वर्गिणस्तेषु साक्षिणः ॥ ३५० ॥
 स्त्रीणां साक्ष्यं स्त्रियः कुर्युर्बिजानां सदशा द्विजाः ।
 शूद्राश्च सन्तः शूद्राणामन्त्यानामन्त्ययोनयः ॥ ३५१ ॥
 अशक्य भागमो यत्र विदेशप्रतिवासिनाम् ।
 प्रैविद्यप्रहितं तत्र लेख्यसाक्ष्यं प्रवादयेत् ॥ ३५२ ॥
 अभ्यन्तरस्तु निक्षेपे साक्ष्यमेकोपि वाच्यते ।
 मर्यादा प्रहितः साक्षी भवत्येकोपि दूतकः ॥ ३५३ ॥
 संस्कृतं येन यत्पण्यं तत्तेनैव विभावयेत् ।
 एक एव प्रमाणं स विषादे तत्र कीर्तितः ॥ ३५४ ॥
 लेखकः प्राद्विवाकश्च सम्प्राश्चैथानुपूर्वराः ।
 नृपे पश्यति यत्कार्यं साक्षिणः समुदाहृताः ॥ ३५५ ॥

348 वीर० p 149.

349-50 अवरुर्क p 668, वीर० p 149, टोडरानन्द (reads मुनिः for मनुः)

351 टोडरानन्द (ascribes to कात्यायन and मनु), म्य. मा. p 823 (to both मनु and कात्या.). This is मनु० 8 68.

352 अवरुर्क p. 667 (reads विदेशं प्रतिवादिनाम्), टोडरानन्द

353 म्य. मा p. 319 (अभ्यन्तरनिक्षेपे and याचित. for दूतक.), स्मृतिच० III p. 175, वए मा III. p. 96 (first half) reads अभ्यन्तर-स्तु विदेशो and वा वदेत् for वाच्यते, वीर० p 151 (reads याचिते for दूतक), अवरुत्तरव p 214 reads एकोपि याचिते.

354 स्मृतिच० III, p 175 (reads संस्कृतं येन कन्यस्त), वीर p. 151, म्य. हातरव p. 214

355 म्य मा. pp. 820, 823, टोडरानन्द.

अन्ये पुनरनिर्विष्टा साक्षिण समुदाहृता ।
 ग्रामस्थ माड्वियाकश्च राजा च व्यवहारिणाम् ॥ ३५६ ॥
 कार्येष्वन्यन्तरो यश्चार्थिना प्रदत्तश्च य ।
 कुल्या कुलविवादेषु भवेयुस्तेपि साक्षिण ॥ ३५७ ॥
 रिक्थभागाविवादे तु सदेहे समुपस्थिते ।
 कुल्याना यच्च तत्र प्रमाणं तद्विपर्यये ॥ ३५८ ॥
 साक्षिणा लिखिताना तु निर्दिष्टाना च पादिना ।
 तेषामेकोन्यथावादी भेदात्सर्वे न साक्षिण ॥ ३५९ ॥
 अन्येन हि वृत्त साक्षी नैवान्यस्त विवादयेत् ।
 तदभावे नियुक्तो वा यान्धयो वा विवादयेत् ॥ ३६० ॥
 तद्वृत्तिजीविनो ये च तत्सेवाहितकारिण ।
 तद्वन्धुसहृदो भृत्या माप्तास्ते तु न साक्षिण ॥ ३६१ ॥
 मातृपुत्रसुताश्चैव सोदर्यास्तमातुला ।
 एते सनाभयस्तृका साक्ष्यं तेषु न योजयेत् ॥ ३६२ ॥
 कुल्या सवन्धिनश्चैव विवाहो भगिनीपति ।
 पिता बन्धु पितृव्यश्च श्वशुरो गुरवस्तथा ॥ ३६३ ॥
 नयरग्रामदेशेषु नियुक्ता ये पदेषु च ।
 घट्टमाश्च न पृच्छेयुर्भकास्ते राजपूरुषा ॥ ३६४ ॥

- 356 अथ मा p 320 and टाडरुनन्द (both ascribe it to नारद and कात्यायन), व्यवहारतत्त्व p 218 (ascribes to मनु and कात्यायन)
 357 अथ मा p 320 (ascribe to नारद and कात्यायन), व्यवहारतत्त्व p 218 (ascribes to मनु and कात्यायन)
 358 अथ मा p 323
 359 अपरार्क p 670 स्मृतिच. III p 189 अथ मा p 325, परा मा III p 116, व्यवहारतत्त्व p 215
 360 अपरार्क p 670, अथ मा p. 327 स्मृतिच. III p 189
 361 अपरार्क p 669 स्मृतिच. III p 177, अथ मा p 324, कीर. p 160
 362-363 अपरार्क pp 669-670 अथ मा p 324 makes one verse by omitting सोदर्यास्त सवन्धिनश्चैव स्मृतिच. III p. 180 परा मा III 99 (omits the line कुल्या पति) कीर. p 160 (adds after मातृपुत्र सुताश्चैव the words पितृव्यश्वशुरास्तथा । बन्धुलक्ष्यं दृष्टाश्चैव)
 364 स्मृतिच. III p 180 अपरार्क p 670, परा मा III p 100

ज्ञानादिषु परीक्षेत साक्षिणः स्थिरकर्मसु ।
 साहसात्पयिके चैव परीक्षा कुत्रचित्स्मृता ॥ ३६५ ॥
 घ्याघातेषु नृपाद्यायाः संग्रहे साहसेषु च ।
 स्तेयपाहव्ययोश्चैव न परीक्षेत साक्षिणः ॥ ३६६ ॥
 जन्तर्पेक्षमनि रात्रौ च यदिप्रांमात्रं यद्गृहेत् ।
 एतेष्वेयाभियोगक्षेत्रे परीक्षेत साक्षिणः ॥ ३६७ ॥
 न साक्ष्यं साक्षिभिर्विध्यमपृष्टैरर्थिना सदा ।
 न साक्ष्यं तेषु विद्येत स्वयमात्मनि योजयेत् ॥ ३६८ ॥
 लेख्यारूढद्योत्तरश्च साक्षी मार्गद्वयान्वितः ॥ ३६९ ॥
 अथ स्वहस्तेनारूढस्तिष्ठंश्चैकः स एव तु ।
 न चेत्प्रत्यभिजानीयात्तत्स्वहस्तैः प्रसाधयेत् ॥ ३७० ॥
 भार्यिना स्वयमानीतो यो लेख्ये संनिवेदयते ।
 स साक्षी लिखितो नाम स्मारितः पत्रकादृते ॥ ३७१ ॥
 यस्तु कार्यप्रसिद्धयर्थं दृष्ट्वा कार्यं पुनः पुनः ।
 स्मार्यते भार्यिना साक्षी स स्मारित इहोच्यते ॥ ३७२ ॥
 प्रयोजनार्थमानीतः प्रसङ्गादागतश्च यः ।
 द्वौ साक्षिणौ त्वलिखितौ पूर्वपक्षस्य साधकौ ॥ ३७३ ॥
 भार्यिना स्वार्थसिद्धयर्थं प्रत्यर्थियचनं स्फुटम् ।
 यः भाषितः स्थितो गृहो गृहसाक्षी स उच्यते ३७४
 साक्षिणामपि यः साक्ष्यमुपर्युपरि मापते ।
 भ्रयणाच्छ्रयणाद्रपि स साक्ष्युत्तरसंशितः ॥ ३७५ ॥

३६५ स्मृतिच० III p. 183, अ. मा. p. 327 (reads परीक्षा न क्वचिन्मता),
 वीर० p. 162, अथारतार p. 214.

३६६ अथारतार p. 670, स्मृतिच० p. 183, अ. मा. p. 323.

३६७ अथारतार p. 671, अ. मा. p. 328.

३६८ अ. मा. p. 326.

३६९ स्मृतिच० III. p. 184.

३७० वीर० p. 147.

३७१-३७२ मित० on वा. II. 68, वीर० p. 143.

३७३-३७५ मित० on वा. II. 68, वीर० pp. 143-144, व. वि. p. 142.

उद्गाप्यं यस्य विभ्रन्मात्कार्यं वा विनिवेदितम् ।

गृहचारी स विज्ञेय कार्यमध्यगतस्तथा ॥ ३७६ ॥

अर्थो यत्र विपन्नः स्यात्तत्र साक्षी मृतान्तरः ।

अत्यर्थो च मृतो यत्र तत्राप्येवं प्रकल्प्यते ॥ ३७७ ॥

(साक्षिदोषाङ्गावयवम्)

लेख्यदोषास्तु ये केचित्साक्षिणं चैव ये स्मृताः ।

बाधकाले तु एकव्याः पश्चादुक्ताश्च दूषयेत् ॥ ३७८ ॥

उक्तेषु साक्षिणो यस्तु दूषयेत्प्राग्दूषितान् ।

न च तत्कारणं मृयात् प्रामुपात्पूर्वसाहसम् ॥ ३७९ ॥

नातथ्येन प्रमाणं तु दोषेणैव तु दूषयेत् ।

मिथ्याभियोगे दण्ड्यः स्यात्साध्याथापि दीयते ॥ ३८० ॥

प्रत्यर्थिनार्थिना वापि साक्षिदूषणसाधने ।

प्रस्तुता यौपयोगित्वाद् व्यवहारान्तरं न च ॥ ३८१ ॥

साक्षिदोषाः प्रवक्तव्याः ससदि प्रतिवादिना ।

पत्रे विक्रिये तान्सर्वान् वाच्यः प्रत्युत्तरं ततः ॥ ३८२ ॥

प्रतिपत्तौ तु साक्षित्वमहंति न कदाचन ।

अतोऽन्यथा प्रावर्त्तनीया क्रियया प्रतिवादिना ॥ ३८३ ॥

अभावयन्धनं दाप्य अत्यर्थो साक्षिणः स्फुटम् ।

भाविता साक्षिणः सर्वे साक्षिधर्मनिराकृता ॥ ३८४ ॥

376-377 टोडरानन्द

378 स्मृतिच० III. p 192, टोडरानन्द, स वि p 143 अपराकं p 672 and
 *व म. p 89 and वीर० p 164 ascribe it to गृहस्थेन टोडरानन्द
 reads पश्चादुक्ता न

379 अपराकं p 673, *व. मा p 327, स्मृतिच० III p 192, स वि p 144,
 टोडरानन्द (reads न तत् कारण), *व म p 89, वीर० p 164

380 अपराकं p. 671, स्मृतिच० III p 192, स वि. p 144, वीर० p 164

381 परा मा III p 106 वीर० p 163 स वि p 145 (reads न तु साक्ष्य
 मिदमेव स्यात् अतद्व्यतिरिक्तं तथा)

382-384 परा मा III p 106 विहा० on वा II 72 has 384 (reads
 दूषण साक्षिणा स्फुटम्) *व म p 88 attribute these to स्वास स वि
 p. 144 has 384 (and attributes it to वाक्या), वीर० p 165
 (attributes 384 to *यान्)

आकारोद्भूतयेष्टाभिस्तस्मै भागं विभावयेत् ।
 प्रतिधात्री भयेद्धीनः सानुमानेन लक्ष्यते ॥ ३८५ ॥
 कम्पः स्वेदोद्य वैकल्यमोष्ठशोषाभिर्मर्दाने ।
 भूलक्षणं स्थानहानिस्तिर्यगूर्ध्वनिरीक्षणम् ।
 स्वरमेदश्च दुष्टस्य चिह्नान्याहुर्मनीषिणः ॥ ३८६ ॥
 सभान्तं स्थैस्तु वक्तव्यं साक्ष्यं नान्यत्र साक्षिभिः ।
 सर्वसाक्ष्येष्वयं धर्मो ह्यन्यत्र स्थायिरेषु तु ॥ ३८७ ॥
 अर्थिप्रत्यर्थिसान्निध्ये साभ्यार्थस्य च संनिधौ ।
 प्रत्यक्षं देशयेत्साक्ष्यं परोक्षं न कथंचन ॥ ३८८ ॥
 अर्थस्योपरि वक्तव्यं तयोरपि विना क्वचित् ।
 चतुष्पदेऽप्ययं धर्मो द्विषदस्थायिरेषु च ॥ ३८९ ॥
 तौल्यगणिममेयानामभावेऽपि विवादयेत् ।
 क्रियाकारेषु सर्वेषु साक्षित्वं न ततोऽन्यथा ॥ ३९० ॥
 वधे चेत्प्राणिनां साक्ष्यं वादयेच्छिवसंनिधौ ।
 तदभावे तु चिह्नस्य नान्यथैव प्रकाशयेत् ॥ ३९१ ॥
 स्वभावोक्तं वचस्तेषां ग्राह्यं यदोपवर्जितम् ।
 उक्ते तु साक्षिणो राज्ञा न प्रष्टव्याः पुनः पुनः ॥ ३९३ ॥
 स्वभावेनैव यद्दृश्युस्तद् ग्राह्यं व्यावहारिकम् ।
 मतो यदन्यद्विदुर्गुर्धर्मार्थं तदपार्थक्यम् ॥ ३९३ ॥

385-86 म्य. मा. p. 312-13, वीर. p. 96.

387 स्मृतिच. III. p. 206, अपरार्क p. 675, परा. मा. III. p. 112 (reads निष्ठाः स्थायिष्वेषु च).

388 गेहब्रह्मन्, म्य. म. p. 41.

389 स्मृतिच. III. p. 206, परा. मा. III. p. 113, म्य. म. p. 41.

390 गेहब्रह्मन्, म्य. म. p. 41.

391 स्मृतिच. III. p. 206, परा. मा. III. p. 113, म्य. म. p. 41.

392 मित्त. on वा. II. 79 (noname), अपरार्क p. 675, स्मृतिच. III. p. 208.

393 स्मृतिच. III. p. 209, परा. मा. III. p. 113 (ascribes to मनु).

This is मनु 8. 78.

समवेतैस्तु यद्दृष्टं वक्तव्यं तत्तथैव तु ।
 विभिन्नैकैकार्यं यद्वक्तव्यं तत्पृथक् पृथक् ॥ ३९४ ॥
 भिन्नकाले तु यत्कार्यं विज्ञातं तत्र साक्षिभिः ।
 एकैकं वादयेत्तत्र भिन्नकालं तु तद्गुरु ॥ ३९५ ॥
 क्रणादिषु विषयेषु स्थिरप्रायेषु निश्चितम् ।
 ऊने वाप्यधिके वायं प्रोक्ते साध्यं न सिध्यति ॥ ३९६ ॥
 साध्याथाशिषि गदिते साक्षिभिः सकल भवेत् ।
 स्त्रीसङ्गे साहस्ये चौर्ये यत्साध्यं परिकल्पितम् ॥ ३९७ ॥
 ऊनाधिकं तु यत्र स्यात्तत्साध्यं तत्र वर्जयेत् ।
 साक्षी तत्र न वृण्व्य स्यादग्र्यन्दण्डमर्हति ॥ ३९८ ॥
 देश कालं धनं खंख्यां रूपं जालाहृती घयः ।
 विसंवदेद्यत्र साक्ष्ये तदनुक्तं विदुर्वुधा ॥ ३९९ ॥
 निर्दिष्टेष्वर्थजातेषु साक्षी चेत्साध्यं भागते ।
 न ब्रूयादक्षरसमं न तन्निगदितं भवेत् ॥ ४०० ॥
 ऊनमभ्यधिकं वार्थं विदूषुर्यत्र साक्षिणः ।
 तदप्ययुक्तं विशेषमेव साक्षिविनिश्चयः ॥ ४०१ ॥
 (साक्षिणां दोषा दण्डाश्च)
 अगृष्टं सर्ववचने पृष्टस्याकथने तथा ।
 साक्षिणं संनिरोद्धव्या गद्वा दण्ड्याश्च धर्मतः ॥ ४०२ ॥

394-395 अथ मा p 329 (reads विभिन्ने चैव यत्कार्यं), अपराकं p 675 परा मा III p 113 attributes to दक्षिण and reads विभिन्नैरेव यत्कार्यं and विधिरेव प्रकीर्तित for भिन्नकालं तु &c अथ मा p 42 and स वि p 208 and वीर p 168 also ascribe to दक्षिण and read as परा मा does

396-397 मितः on वा II 20, अपराकं p 678, स्मृतिव० III p 209 अथ मा p 312 (has 396 only)

398 399 स्मृतिव० III p 210, अपराकं p 678, अथ मा p 333 (has 398)

400 401 स वि p 147 परा मा III p 114 ascribes the two to ब्रूयते and अथ मा p 33 ascribes to नगद

402 403 स्मृतिव० III pp 212 213, परा मा III p 116 ascribes

• 402 to प्रजापति

तदर्धार्धस्य नाशे तु लौकिकाश्च क्रियाः स्मृताः ।

एवं विचार्यग्रामाश्च धर्मार्थाभ्यां न हीयते ॥ ४२१॥

(दिव्यानामर्षिप्रत्यर्पिजातेसिन्धुनातुमारिषो व्यवस्था)

राजन्येऽपि घटे विप्रे वेदये तोयं नियोजयेत् ।

सर्वेषु सर्वदिग्बन्धं वा विप बन्धं द्विजोत्तमे ॥ ४२२॥

गौरक्षकान्याणिजकास्तथा कायवृत्तिलयान् ।

प्रेम्यान्वाधुर्पिकाश्चैव ब्राह्मणेऽप्युद्वेगं द्विजान् ॥ ४२३॥

न लोहशिल्पिनामर्षिं सलिलं नाम्बुसेचिनाम् ।

मन्त्रयोगविदां चैव विपं दद्याच्च न कश्चित् ॥

तण्डुलैर्न नियुञ्जीत व्रतिनं मुखरोणिणाम् ॥ ४२४॥

कुष्ठिनां वर्जयेद्गन्धिनं सलिलं श्वासकासिनाम् ।

पित्तश्लेष्मयतां नित्यं विपं तु परिवर्जयेत् ॥ ४२५॥

मद्यपत्नीव्यसनिनां कृतवानां तथैव च ।

कोराः प्राज्ञैर्न दातव्यो ये च नास्तिकवृत्तयः ॥ ४२६॥

मातापितृद्विजगुरुवाल्लरीराजघातिनाम् ।

महापातकयुक्तानां नास्तिकानां विशेषतः ॥ ४२७॥

लिङ्गिनां प्रशठानां तु मन्त्रयोगक्रियायिदाम् ।

घणसंकरजातानां पापाभ्यासप्रवर्तिनाम् ॥ ४२८॥

एतेष्वेवाभियोगेषु निन्द्येष्वेव च यत्नतः ।

दिन्यं प्रकल्पयेच्चैव राजा धर्मपरायणः ॥ ४२९॥

- स्त्रिमासहीने तु शताधे तु तुल्यं स्मृताः ॥ कोशदानं तदर्धे वा दक्षपयःकृतं तु ।
तदर्धे तण्डुलं होयस्तदर्धे तण्डुलाश्च ॥ and ascribes 418-419 to बृहस्पतिः)
422-423 स्मृतिच० III p 239 (has the latter half of 422), अपराकं
p 693 टोडरानन्द वीर० pp 235, 237, स वि p 180 (verses 423
only)
424 अपराकं p 690 (reads 'चैव नाभिर्दिव्यं विधीयते'), स्मृतिच० III p
240, परा मा III p 160 (reads व्रतिना मुखरोणिणाम्), स वि p
173 (व्रतिनः), वीर० p 236, न्व म p 46
425-426 स वि p 173, मिता० on या II 98 has 425, but names no
author, न्व म. p. 49 has verse 426 but ascribes it to
वितामदः, वीर० p 237 ascribes both to वितामदः
427-430 स्मृतिच० III p 241 परा मा III pp 160 161, वीर० p 238
टोडरानन्द परा मा reads प्रशठानां and टोडरानन्द and वीर० read

एतैरेव नियुक्तानां साधूनां दिव्यमर्हति ।
 नेच्छन्ति साधवो यत्र तत्र शोभ्याः स्वकैर्नरेः ॥४३०॥
 महापातकयुक्तेषु नास्तिकेषु विशेषतः ।
 न देयं तेषु दिव्यं तु पापाभ्यासरतेषु च ॥ ४३१॥
 एषु चाप्येषु दिव्यानि प्रतिषिद्धानि गन्तव्यं ।
 कारयेत्तज्जनैस्तानि नाभिशस्तं त्यजेन्मनुः ॥४३२॥
 असृष्ट्याधमदातानां म्लेच्छानां पापकारिणाम् ।
 प्रातिलोम्यप्रसूतानां निधयो न तु राजानि ॥
 तत्प्रसिद्धानि दिव्यानि सशये तेषु निर्दिशेत् ॥ ४३३ ॥
 (दिव्यश्रेष्ठाः)

इन्द्रस्थानेभिः शस्तानां महापातकिना नृणाम् ।
 नृपद्रोहे प्रवृत्तानां राजद्वारे प्रयोजयेत् ॥४३४॥
 प्रातिलोम्यप्रसूतानां दिव्यं देयं चतुष्पदे ।
 अतोऽन्येषु सभामध्ये दिव्यं देयं विदुर्बुधाः ॥४३५॥
 कालदेशविरोधे तु यथायुक्तं प्रकल्पयेत् ।
 अन्येन हारयेद्दिव्यं विधिरेव विपर्यये ॥ ४३६ ॥
 अदेशकालदत्तानि बहिर्वासकृतानि च ।
 व्यभिचारं सदायैषु कुर्यान्तीह न सशयः ॥४३७॥

अमशानां for अशदानां, परा मा reads न सन्ति साधवः .

431 432 टोडरानन्द, वीर० p 238, स्मृतिच० III 242 (has 432 only) अपराकं p 696 (ascribes 432 to मनु)

433 मिता० on या. II 99 स्मृतिच० III 242 परा मा III. p 161 (reads धनद्वारापहराणां म्लेच्छानां) वीर० p 238 अ म प 49 (reads समये for सशये)

434-435 मिता० on या. II 99, स्मृतिच० p 244, परा मा III p 163 (reads इन्द्रस्थाने for इन्द्रस्थाने) टोडरानन्द, स वि p 183, वीर० p 241

436 टोडरानन्द, वीर० p 238

437 439 अपराकं p 697, परा मा III p 163 and वीर० p 241 have

वाक्प्राप्तये छले चादे दाप्याः स्युस्त्रिशतं दमम् ।
 क्षणादिवदेपु घनं ते स्युर्दाप्या क्षणं तथा ॥४०३॥
 यः साक्षी नैव निर्दिष्टो नाहुतो नापि दर्शितः ।
 द्रव्यान्मिथ्येति तथ्यं वा दण्ड्यः सोऽपि नराधमः ॥४०४॥
 साक्षी साक्ष्यं न येद्द्रव्यान्समदण्डं घटेष्टणम् ।
 धतोन्मेषु विवादेषु त्रिशतं दण्डमर्हति ॥ ४०५ ॥
 उक्तवान्यथा द्रुवाणाश्च दण्ड्याः स्युर्वान्छलान्विताः ॥४०६॥
 येन कार्यस्य लोभेन निर्दिष्टाः कूटसाक्षिणः ।
 गृहीत्वा तस्य सर्वस्यं कुर्यान्निधिपयं ततः ॥४०७॥
 यव धै भावितं कार्यं साक्षिभिर्वादिना भवेत् ।
 प्रतिवादी यदा तत्र भावयेत्कार्यमन्यथा ॥
 बहुभिश्च कुलीनैर्वा पूर्वाः स्युः कूटसाक्षिण ॥४०८॥
 यदा शुद्धा नित्या न्यायात्तदा तदाक्षपशोधनम् ।
 शुद्धाश्च वाक्याश्च शुद्धः स शुद्धोर्थ इति स्थितिः ॥४०९॥
 सप्ताहाच्च प्रतीयेत यत्र साक्ष्यनृतं यदेत् ।
 रोगोन्निर्वातिमरणं द्विसप्ताहात्त्रिसप्त वा ।
 पटुचत्वारिंशके चापि द्रव्यजात्यादिभेदतः ॥४१०॥
 (दिव्यानि तेषां च निवादनशेषादिषां व्यवस्था)
 न कश्चिदभियोक्तारं दिव्येषु विनियोजयेत् ।
 अभियुक्ताय दातव्यं दिव्यं दिव्यविशारदः ॥४११॥

404 अ. मा. p. 326, टोडरानन्द, व्यवहारतत्त्व p. 216, स्मृतिच. III, 212 ascribes to नक्षिष्ठ.

405 अपराक p. 677, परा. मा. III, p. 115, स्मृतिच. III, 213, टोडरानन्द.

406 मिता. on या. II 82, स्मृतिच. III 214, वीर. p. 184.

407 अपराक p. 672, स्मृतिच. III, p. 217.

408 अपराक p. 679, अ. मा. p. 335 (read साक्षिभिः पूर्ववादिनां and अनुक्तारं कुलीनेषां), स्मृतिच. III, p. 218, वीर. p. 179

409 मिता. on या. II 80, अपराक 676, अ. मा. p. 336 (which reads त्रिदा न स्यात् and last line as शुद्धाया तु वादयार्थः शुद्धः शुद्धोन्वया न तु), वीर. p. 174

410 स. वि. p. 140.

411 अपराक p. 695, स्मृतिच. III p. 224, परा. म. III, p. 152, स. वि. p. 167, वीर. p. 228

पार्थिवे शङ्किताना तु तुलादीनि नियोजयेत् ।
 आत्मशुद्धिविधाने च न शिरस्तत्र कल्पयेत् ॥ ४१२ ॥
 लोकापवाददुष्टाना शङ्किताना च दस्युभिः ।
 तुलादीनि नियोज्यानि न शिरस्तत्र वै श्रुयुः ॥ ४१३ ॥
 न शङ्कासु शिरः कोशे कल्पयेत्तु कदाचन ।
 अशिरासि च दिव्यानि राजभृत्येषु दापयेत् ॥ ४१४ ॥
 शङ्काविश्वाससंधाने विभागे रिक्थिना सदा ।
 क्रियासमूहकर्तृत्वे कोशमेव प्रदापयेत् ॥ ४१५ ॥
 दत्तस्यापह्नवो यत्र प्रमाणं तत्र कल्पयेत् ।
 स्तेयसाहसयोर्दिव्यं स्वल्पेऽप्यर्थे प्रदापयेत् ॥ ४१६ ॥
 सर्वद्रव्यप्रमाणं तु शाखा हेमः प्रकल्पयेत् ।
 हेमप्रमाणयुक्तं तु तदा दिव्यं नियोजयेत् ॥ ४१७ ॥
 हात्या सत्या सुवर्णानां शतनाशे विपः स्मृतम् ।
 अशीतेस्तु विनाशः वै दद्याच्चैव हुताशनम् ॥ ४१८ ॥
 पञ्चा नाशः जलं वेपः चत्वारिंशतिः वै घटम् ।
 विंशद्दशविनाशे वै कोशपानं विधीयते ॥ ४१९ ॥
 पञ्चाधिकस्य वा नाशे तदर्धार्धस्य तन्तुला ।
 तदर्धार्धस्य नाशे तु स्पृशेत्पुनर्नादिमस्तकम् ॥ ४२० ॥

412 स्मृतिच० III p 225 परा न III p 153 (reads निर्दिष्टानां च नस्युभिः । शङ्काशुद्धिपरानां न हि यः देयः शिरः विना) वीर० p 229 (which reads mostly like परा मा)

413 अपरक p 696 स्मृतिच० III p 226 परा मा III p 153

414 अपरक p 696 (first half) स्मृतिच० III p 226 परा मा III p 153

415 स्मृतिच० III p 226 परा मा III p 154, वीर० p 229 स वि p 168 अपरक p 695 (no name)

416 417 मिता० on या II 99 अपरक p 700 स्मृतिच० III p 232 (omits the half स्तेय &c) टाडरुद स न pp 178 179, वीर० p 231 स्मृतिच० reads सर्व द यः

418 421 मिता० on या II 99 स्मृतिच० p 233 and अपरक p 700 (omits एव विपारयवः हीयते) परा मा III p 155 (omits एव हीयते) वीर० p 231 स वि pp 174 and 178 (p 178 presents two other versions on same subject सप्त विषः तु पादोने दत्तधुततृतीये । आप

साधयेत्तत्पुनः साध्यं व्याघाते साधनस्य हि ।
 दत्तान्यपि यथोक्तानि राजा दिव्यानि वर्जयेत् ॥
 मूर्खंलुब्धैश्च दुष्टैश्च पुनर्द्वयानि तानि वै ॥४३८॥
 तस्माद्यथोक्तविधिना दिव्यं देयं विशारदैः ।
 भयथोकप्रयुक्तं तु न शक्यं तस्य साधने ॥४३९॥
 शिष्यच्छेदे तुलामङ्गे तथा चापि गुणस्य वा ।
 शुद्धेस्तु संशये चैव परीक्षेत पुनर्नरम् ॥४४०॥

(धर्मिदिव्यविधिः)

प्रसन्नलक्ष्यमियुक्तश्चेत्स्थानावन्यत्र दद्यते ।
 न दग्धं तु विदुर्देवास्तस्य भूयोपि दापयेत् ॥४४१॥

(उदकदिव्यविधिः)

शरांस्त्विनायसैरग्नैः प्रकुर्वीत विशुद्धये ।
 वेणुकाण्डमयाश्चैव क्षेप्ता च सुदृढं क्षिपेत् ॥४४२॥
 क्षिप्ते तु भज्जनं कार्यं गमनं समकालिकम् ।
 गमने त्वागमः कार्यः पुमानन्यो जले विशेत् ॥४४३॥
 शिरोमानं तु ददयेत् न कर्णौ नापि नासिका ।
 अण्डु प्रवेशने यस्य शुद्धं तमपि निर्दिशेत् ॥४४४॥
 निमज्ज्योद्वपते यस्तु दृष्टश्चेत्प्राणिभिर्नरः ।
 पुनस्तत्र निमज्जेत्स देशचिह्नविभाविते ॥४४५॥

only verse 437 which they ascribe to नारद; स्मृतिच० p. 244

has 437; टोडरानन्द has verse 439 (which ascribes it to बृहस्पति and कात्यायन).

440 अपरार्क p. 704, स्मृतिच० III. p. 259, न्य. म. p. 61, वीर० p. 254.

441 अपरार्क p. 709, भित्ति० on वा II. 107 (which reads प्रसन्नलक्ष्मि-
 शस्तथेत्), परा. मा. III. p. 181 (प्रज्वालनाभिस्तथेत्), स्मृतिच०
 III. p. 271, वीर० p. 267, स. वि. p. 199.

442 अपरार्क p. 709, भित्ति० on वा. II. 109 (no name) reads शराया-
 नायसाप्रास्तु), टोडरानन्द, न्य. म. p. 77 परा. मा. III. p. 183 (no
 name), वीर० p. 268, स. वि. p. 200.

443 अपरार्क p. 710, वीर० p. 272 (first half).

444-445 अपरार्क 711, टोडरानन्द (reads निमज्जेत अहविहविभाविते), वीर० p.
 273 (has only 444), परा. मा. III. p. 186 (has both and read^s

17. निमज्जेत्तु अहविहविभाविते), स. वि. p. 203 (has 444 without name).

(विषादिविधि)

भजाशृङ्गनिभ इवाम सुधीन शृङ्गसमथम् ।
 भङ्गे च शृङ्गयेवम ख्यात तच्छृङ्गिणा विपम् ॥४४६॥
 रक्त तदक्षित कुर्यात्कटिन चैव तत्क्षणात् ।
 भनेन विधिना ज्ञेय दिव्य दिव्याविशारदै ॥४४७॥
 वस्तनाभनिभ पीत वर्णज्ञानेन निश्चय ।
 शुक्तिशङ्खाकृतिर्भङ्गे विद्यास्तद्वत्सनामकम् ॥४४८॥
 मधुक्षीरसमायुक्त स्पृच्छ पुष्पैत तत्क्षणात्
 बाह्यमेव समाख्यात लक्षण धर्मसार्धक ॥४४९॥
 पूर्वोक्ते शीतले देशे विप दद्यात् देहिनाम्
 घृतेन योजित ऋक्ष्य पिष्ट त्रिशद्गुणेन तु ॥४५०॥
 विषस्य पलपद्भागान्द्रागो विंशतिसस्तु य ।
 तमष्टभागहीन तु शोण्ये देश घृताप्लुतम् ॥४५१॥

(शोणदिव्यविधि)

स्वल्पेपराधे देयाना स्नापयित्वायुधोदकम् ।
 पाय्यो विकारे चाशुद्धो नियम्य शुचिरन्यथा ॥४५२॥

(तण्डुलविधि)

देवतास्नानपानीयदिव्ये तण्डुलमक्षणे ।
 शुद्धनिष्ठीवनाच्छुद्धो नियम्योशुचिरन्यथा ॥४५३॥
 अवग्रम्भाभियुक्तस्य विशुद्धस्यापि कोशत ।
 सदर्पणमभियोग च दापयदभियोजकम् ॥
 दिव्येन शुद्ध पुरुष सत्कुर्याद्भार्मिको नृप ॥४५४॥

446 448 अपरार्क p 712 डोडरानन्द (reads सुगीत) वीर० p 274 (has all three)

449 अपरार्क p 712 डोडरानन्द वीर० p 274

450 मित्रा० on या II 111 अपरार्क p 712 परा मा III p 188 स नि p 206 and वीर० p 275 (both read विशद्विज्ञानितम्)

451 अपरार्क p 713 मि० on या II 111 परा मा III p 188 and वीर० p 274 ascribe it to नरद It ० नरद (कणादनि verso 323)

452 अपरार्क p 714 डोडरानन्द वीर० p 279 (reads दापयित्वायुध दकम्)

453 डोडरानन्द and स्व न p 83 वीर० pp 282 283

454 डोडरानन्द

शोणितं दृश्यते यत्र हनुचालं च सीदति ।
 गात्रं च कम्पते यस्य तमशुभं विनिर्दिशेत् ॥४५॥
 अथ दैवधिसंघादातिश्रसत्तादात्तु वापयेत् ।
 अभियुक्तं तु यानेन तमर्थं दण्डमेव च ॥४५६॥
 तस्यैकस्य न सर्वस्य जनस्य यदि तद्गयेत् ।
 रोगोभिर्ज्ञातिमरणमृणं दाप्यो दमं च सः ॥४५७॥
 क्षयातिसारविस्फोटास्ताल्वस्थिपरिधीहनम् ।
 भेदरुग्णलरोगश्च तथोन्मादः प्रजायते ।
 शिरोरुग्णभुजभङ्गश्च दैयिका व्याधयो नृणाम् ॥४५८॥
 शतार्धं वापयेच्छुद्धमशुद्धो दण्डभागभयेत् ॥४५९॥
 धिये तोये हुताशे च तुलाकोशे च तण्डुले ।
 तप्तमापकदिव्ये च क्रमादण्डं प्रकल्पयेत् ॥४६०॥
 सदृशं पट्शतं धैव तथा पञ्च शतानि च ।
 चतुर्भिर्द्वयेकमेवं च द्वीनं द्वीनेषु कल्पयेत् ॥४६१॥

(शपथविधिः)

येत्रोपदिश्यते कर्म कर्तुरङ्गं न तूच्यते ।
 दक्षिणस्तत्र विज्ञेयः कर्मणां पारगः कर्तुः ॥४६२॥
 आचतुर्दशकादद्वौ यस्य नो राजदैविकम् ।
 व्यसनं जायते घोरं स क्षेयः शपथे शुचिः ॥४६३॥

- 455 टोडरानन्द (ascribes to both बृहस्पति and कात्यायन); अपराकं p. 715 and स्व. म. p. 83 ascribe to पितामह. It is नारद (ऋणादान 342)
 456 अपराकं p. 715, स्मृतिच. III. p. 273 (reads दैवधिसंघादः and, अभियुक्तं प्रसजेन), स्व. म. p. 83.
 457 स्व. म. p. 88, स्पन्दहारतत्त्व p. 229.
 458 स्मृतिच. p. 273, स्व. म. p. 83 (reads ज्वरालीसारविस्फोटगृहार्थिः), स्पन्दहारतत्त्व p. 229 (reads ज्वरालीः as स्व. म. does).
 459 मित्त. on वा. II. 113, स्मृतिच. III. p. 288, परा. मा. III. p. 204 (reads न दण्ड वापयेच्छुद्धं न शुद्धो), टोडरानन्द ascribes to मनु and कात्यायन.
 460-461 मित्त. on वा. II. 113, स्मृतिच. III. p. 288, परा. मा. III. p. 204, टोडरानन्द (ascribes to मनु and कात्यायन).
 462 वीर. p. 287.

(उन्मत्तस्वतन्त्रादिहतानां विचारः)

उन्मत्तेनैव मत्तेन तथा भावान्तरेण वा ।
यद्वत् यत्कृतं वाय प्रमाणं नैव तद्भवेत् ॥ ४६४ ॥
अस्वतन्त्रकृतं कार्यं तस्य स्वामी नियतयेत् ।
न भर्मा विपदेतान्यो भीतोन्मत्तकृतादृते ॥ ४६५ ॥
पिताऽस्वतन्त्रः पितृमान् धाता भातृव्य एव वा ।
कनिष्ठो वाविभक्तस्यो दासः कर्मकरस्तथा ॥ ४६६ ॥
न क्षेत्रगृहदासानां दाताधमनविक्रया ।
अस्वतन्त्रकृता सिद्धिं प्राप्नुयुर्नानुषर्णिता ॥ ४६७ ॥
प्रमाणं सर्वं एवेति पण्यानां क्रयविक्रये ।
यदि सव्यवहारः ते कुर्यन्तोप्यनुमोदिता ॥ ४६८ ॥
क्षेत्रादीनां तथैव स्युर्भ्राता भ्रातृसुतः सुतः ।
निमृष्टा कृत्यकरणे गुरुणा यदि गच्छता ॥ ४६९ ॥
निमृष्टार्थस्तु यो यस्मिन् तस्मिन्नर्थे प्रभुस्तु सः ।
तद्गतां तत्कृतं कार्यं नान्यथा कर्तुमर्हति ॥ ४७० ॥
सुतस्य सुतद्वाराणां यशित्य त्वनुशासने ।
विक्रये चैव दाने च वशित्वं न सुते पितुः ॥ ४७१ ॥

(निर्णयकल्पः)

शुद्धिस्तु शास्त्रतत्त्वैर्धिकांस्त्वा समुदाहृताः ।
प्रायश्चित्तं च दण्डं च ताभ्यां ता द्विविधा स्मृताः ॥ ४७२ ॥

- 463 न्य न प 88 (reads उपये) नीर० p 287, स्ववहारतत्त्व p 220
464 स्मृतिव० III p 305, परा मा III p 216 (reads वाचान्तरण for भावान्तरेण)
465 स्मृतिव० III p 300, स वि pp 501-502 (reads न दातां द्विविदेतान्योः)
466 शौचानन्द दी० p 128
467-471 स्मृतिव० III pp 307-309 परा मा III pp 217-219 (has all five except 470) शौचानन्द (reads नानुमोदिता for नानुनयिता in 467) नीर० pp. 126-128
472 स्मृतिव० III p 300, स वि p 502

अनेकार्थाभियोगेपि यावत्सत्ताधयेदानी ।
 साक्षिभिस्त्रयदेवास्तौ लभते स्नापित धनम् ॥४७३॥
 सर्वोपलाप य कुर्या मियोह्यमपि सधदेत् ।
 सर्वमेव तु दाप्य स्वादभियुक्तो वृद्धस्पति ॥४७४॥
 पर धर्मात्मनस्येन समेनैव धियादिना ।
 कार्याणा निर्णयो हृदये ग्राह्यो सह नान्यथा ॥४७५॥
 व्यवहारा स्वय दृष्ट्वा धृत्वा वा प्रादुर्ध्वित ॥
 जयपत्र ततो दत्तात् परिज्ञानाय पार्येय ॥४७६॥

(दण्डविधि)

राजा तु स्वामिने धिप्र सान्त्वेनैव प्रदापयेत् ।
 देशान्तरेण चान्यास्तु दुष्टान् सपीड्य दापयेत् ॥४७७॥
 रिक्स्थित सुहृद् वापि च्छेदेनैव प्रदापयेत् ।
 यणिञ्च पर्यंताश्चापि शिल्पिनश्चात्रवीद्भृशु ॥४७८॥
 धनदानासह युद्धा स्वाधीन कर्म कारयेत् ।
 अशक्तौ वधनामार पवेदयो ग्राहणादते ॥४७९॥
 पर्यंजान् क्षयविदूषाण् सर्माहानास्तु दापयेत् ॥४८०॥

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- 473 मितो on या II 20 अपरांक p 625 व्य मा p 312 (reads नाधिक धनम्) स्मृतिच० III p 283, परा मा III p 203 वि र p 48 वीर० p 132
- 474 व्य मा p 311 (reads मित्रदानमपि and दाप्य स्वादिति युक्तो) स्मृतिच० III p 283
- 475 स्मृतिच० III p 289
- 476 टाडनान्द
- 477 मित on या II 40 अपरांक p 645 (reads स्वामिनो) स्मृतिच० III p 285 परा मा III p 200
- 478 मितो on या II 40 (first half only) अपरांक p 645 (first half only) परा मा III pp 200 and 256 स्मृतिच० III p 284 (first half) अपरांक reads छेदन म च दापयत्
- 479 मितो on या II 26, अपरांक p 633 (reads वद्व्या स्वामिन कर्म) स्मृतिच० III pp 292 and 390 परा मा III p 209
- 480 स्थानच० III p 384

आचार्यस्य पितुर्मातुर्बान्धवानां तथैव च ।
 एतेषामपराधेषु दण्डो नैव विधीयते ॥४८१॥
 प्राणालये तु यत्र स्यादकार्यकरणं कृतम् ।
 दण्डस्तत्र तु नैव स्यादेव धर्मो भृशुस्मृत ॥४८२॥
 न जातु ब्राह्मणं हन्यात्सर्वपापेष्ववस्थितम् ।
 राष्ट्रार्थेन बहिः कुर्यात्समग्रघनमक्षतम् ॥४८३॥
 चतुर्णामपि वर्णानां प्रापश्चित्तमकुर्वताम् ।
 शारीरघनसयुक्तं दण्डं धर्म्यं प्रकल्पयेत् ॥४८४॥
 येन दोषेण शूद्रस्य दण्डो भवति धर्मतः ।
 तेन चेत्क्षत्रविप्राणां द्विगुणो द्विगुणो भवेत् ॥४८५॥
 प्रव्रज्यावस्थितं शूद्रं जपहोमपरायणम् ।
 वधेन शासयेत्पापं दण्डेन वा द्विगुणं दमम् ॥४८६॥
 सर्वेषु चापराधेषु पुंसो योर्यदमं स्मृतम् ।
 तदथ योपितो द्युर्विधेः पुंसोऽहं कर्तनम् ॥४८७॥
 नास्वतन्त्राः स्त्रियो ब्राह्मण्य पुमास्तत्रापराध्यति ।
 प्रभुणा शासनीयास्ता राजा तु पुरुषं नयेत् ॥४८८॥
 प्रेषितस्वामिका नारी प्रापिता यद्यपि ग्रहे ।
 तायत्सा वन्धने स्यात्पापं यावत्प्रत्यागतं प्रभुः ॥४८९॥
 कल्पितो यस्य यो दण्डस्तत्पराधस्य यत्नतः ।
 पणानां ग्रहणं तु स्यात्तत्तन्मूल्यं वाथ राज्ञि ॥४९०॥
 मापपादो द्विपादो वा दण्डो यत्र प्रवर्तितः ।
 अनिर्दिष्टं तु विशेषं मापकं तु प्रकल्पयेत् ॥४९१॥

481 स्मृतिच० III p 296 परा मा III p 206

482 स्मृतिच० III p 297 परा मा III p 211 (read दण्डं तत्र)

483-484 परा मा III p 208 Veras 483 is मनु 8 380

485 स्मृतिच० III p 298 परा मा III p 311 ascribes to पितृमह

486 स्मृतिच० III p 298 परा मा III p 212 ascribes to पितृमह

487 स्मृतिच० III p 745 अ म प 246

488 स्मृतिच० III p 749

489 स्मृतिच० III p 749

490-492 स्मृतिच० III p 299 इदं on मनु 8 319 reads 491 (latter

आधिभोगस्त्वशेषो यो वृद्धिस्तु परिकल्पित ।
प्रयोगो यत्र धैर्यं स्यादाधिभोगं स उच्यते ॥५०१॥

(भङ्गतृद्धिः)

यो याचितकमादाय तमदत्त्वा दिशं व्रजेत् ।
ऊर्ध्वं सप्तत्तराक्षस्य तद्धनं वृद्धिमाप्नुयात् ॥५०२॥
ऊर्ध्वोद्धारमदत्त्वा यो याचितस्तु दिशं व्रजेत् ।
ऊर्ध्वं मासत्रयाक्षस्य तद्धनं वृद्धिमाप्नुयात् ॥५०३॥
स्यदेशेऽपि स्थितो यस्तु न दद्याद्याचितं कश्चित् ।
त ततोऽकारिता वृद्धिमतिच्छन्तं च दापयेत् ॥५०४॥
प्रीतिदत्तं न वर्धेत यापयन् प्रतियाचितम् ।
याच्यमानमदत्तं चेद्वर्धते पञ्चकं शतम् ॥५०५॥
निक्षिप्तं वृद्धिशेषं च क्रयविक्रयमेव च ।
याच्यमानमदत्तं चेद्वर्धते पञ्चकं शतम् ॥५०६॥
पण्यं गृहीत्वा यो मूल्यमदत्त्वेयं दिशं व्रजेत् ।
ऋतुत्रयस्योपरिष्ठात्तद्धनं वृद्धिमाप्नुयात् ॥५०७॥

501 स्मृतिच० III p 360 (reads वृद्धिः तु), वि र p 12 वि चि p 4,
वीर० p 295

502 मित० (on या II 38) स्मृतिच० III p 364 परा मा III p
223, वि र p 16 (reads ऋतुत्रयस्योपरिष्ठात्) स वि p. 225,
वीर० p 301

503 मित० on या II 38 अपराकं p 642 (reads ऋतुत्रयस्योपरिष्ठात् for
ऊर्ध्वं &c) वि र p 15 परा मा III p 223 वीर० p 302

504 मित० on या II 38 अपराकं p 642 (reads याचितोऽसकृत् and 'त'
मर्णाकारितो 'च्छपि चानदेत्), स्मृतिच० III p 364, वि र- p 113
(reads याचितोऽसकृत् and स ततोऽकारिता 'च्छपि चानदेत्), स वि र p
225, वीर० p 302

505 स्मृतिच० III p 365, कुङ्कु (on मनु 8 152), परा मा III p, 223,
वि र p 15, स वि p 226

506 मित० on या II 66 परा मा III p 224, वि र p 15 वीर० p
302 वि चि p 8

507 स्मृतिच० III p 368 परा मा III p 224 वि र p 15, स वि,
p 225, वीर० p 302

चर्मसस्यासवपृते पण्यमृत्ये च सर्वदा ।
स्त्रीशुल्केषु न वृद्धिः स्यात्प्रातिमाव्यागतेषु च ॥५०८॥
(वृद्धे परिमाणं)

प्राहो स्याद् द्विगुणं द्रव्यं प्रयुक्तं धनिनां सदा ।
लभते चेन्न द्विगुणं पुनर्वृद्धिं प्रकल्पयेत् ॥५०९॥
मणिमुक्ताप्रवालागं सुवर्णरजतस्य च ।
तिष्ठति द्विगुणा वृद्धिः कालकैटाविकस्य च ॥५१०॥
तैलानां चैव सर्वेषां मद्यानामथ सर्पिषाम् ।
वृद्धिरष्टगुणा ज्ञेया गुडस्य लवणस्य च ॥५११॥
कुप्यं पञ्चगुणं भूमिस्तथैवाष्टगुणा मता ।
सद्य एवेति वचनात् सद्य एव प्रदीयते ॥५१२॥
(कर्मोद्धारणं)

(अनेककर्मसमाधौ विधिः)

एकाद्वे लिखितं यत्तु तत्तु कुर्यादणं समम् ।
ग्रहणं रक्षणं लाभमन्यथा तु यथाक्रमम् ॥५१३॥
नानर्णसमवाये तु यद्यत्पूर्वकृतं भवेत् ॥
तत्तदेवाग्रतो देयं राज्ञः स्याज्ज्ञोविद्यादनु ॥५१४॥
यस्य द्रव्येण यत्पण्यं साधितं सो विभावयेत् ।
तद् द्रव्यमृणिकेनैव दातव्यं तस्य नान्यथा ॥५१५॥

५०८ परा. मा. III. p. 225, स्मृतिच. III. p. 366, वि. र. p. 20, स. वि. p. 226, वीर. p. 304.

५०९ अपठर्क p. 643, वि. र. p. 72, वीर. p. 338.

५१० वि. र. p. 17, स. वि. p. 226, वि. वि. p. 8, अ. म. p. 170.

५११ स्मृतिच. III. p. 373, परा. मा. III. p. 223, वि. र. p. 19, स. वि. p. 227, वीर. p. 299, अ. म. p. 170.

५१२ स. वि. p. 230.

५१३ अपठर्क p. 645, स्मृतिच. III. p. 391, स. वि. p. 255, वीर. p. 339.

५१४ स्मृतिच. III. p. 390, स. वि. p. 255, वीर. p. 339.

५१५ अपठर्क p. 645, स्मृतिच. III. p. 391, परा. मा. III. p. 259, स. वि. p. 255, वीर. p. 340.

(भाषि)

द्रव्यं गृहीत्वा वृद्धयर्थं भोगयोग्यं ददाति चेत् ।
 जह्म स्यात्परं वापि भोग्याधि स तु कथ्यते ॥
 मृत्यु तदाधिक दत्त्या स्वक्षेत्रादिकमाप्नुयात् ॥५१६॥
 आधिमिक द्वयोर्यस्तु कुर्यात्का प्रतिपन्नयेत् ।
 तयो पूर्ववृत्तं ग्राह्यं तत्कर्तुं चारवण्डभाक ॥५१७॥
 आधान विक्रयो दानं लेख्यसाधयकृतं यदा ।
 एकक्रियाविच्छेदं तु लेख्यं तत्रापहारकम् ॥५१८॥
 अनिर्दिष्टं च निर्दिष्टमरुतं च विलेखितम् ।
 विशेषलिखितं ज्याय इति कात्यायनोऽप्रीति ॥५१९॥
 यो विद्यमानं प्रथममनिर्दिष्टस्य रूपकम् ।
 आकाशभूतमादध्यादनिर्दिष्टं च तद्भवेत् ॥
 यद्यत्तदाह्यं विधेः तदादिष्टं निर्दिष्टम् ॥५२०॥
 यस्तु सर्वस्वमादिश्यं प्रारूपाध्यामचिह्नितम् ।
 आदध्यात्तत्कथं न स्याच्चिह्नितं चलकत्तरम् ॥५२१॥
 मर्यादाचिह्नितं क्षेत्रं ग्रामं वापि यदा भवेत् ।
 ग्रामादयश्च लिप्यन्ते तदा सिद्धिमवाप्नुयात् ॥५२२॥

516 स वि p. 234

517 स्मृतिच० III p. 237 परं मा III p. 234 (reads द्वयोः कृता यत्का)
 वि र p. 85 (reads आधाता for तर्क) स वि p. 237 (reads
 क्षेत्रं प्रतिभवेत्), वीर० p. 312

518 स्मृतिच० III p. 338 परं मा III p. 234 स वि p. 237, वीर०
 p. 312 इत्युक्त्यतः

519 स्मृतिच० III p. 338 परं मा III p. 235 (reads अनिर्दिष्टाय
 निर्दिष्ट) स वि p. 237, वीर० p. 312 इत्युक्त्यतः

520 परं मा III p. 235 (reads प्रथममनं दष्टः आकाशभूतमाध्यामं) वीर० p.
 312 स्मृतिच० III p. 238 (reads अनं दिष्टः दध्यादिष्टं नेह तद्भवत्)

521 स्मृतिच० III p. 338 (reads कथं तु स्यात्) स वि p. 238 (reads
 आदध्यात् कथं तु स्यात्) वीर० p. 313

522 स्मृतिच० III p. 336 स वि p. 236

आधीकृतं तु यत्किञ्चिद्विनष्टं दैवराजतः ।
 तत्रणं सोदयं दाप्यो धनिनामधमर्णकः ॥५२३॥
 न चेद्भनिकदोषेण निपतेद्वा त्रियेत वा ।
 आधिमन्यं स दाप्यः स्यादणान्मुच्येत नर्णिकः ॥५२४॥
 अकाममननुज्ञातमार्धि यः कर्म कारयेत् ।
 भोक्ता कर्मफलं दाप्यो वृद्धिं वा छत्रते न सः ॥५२५॥
 यस्तुयार्धि कर्म कुर्याणं वाचा दण्डेन कर्मभिः ।
 पीडयेद्भर्त्सयेच्चैव प्राप्नुयात्पूर्वसाहसम् ॥५२६॥
 बलादकामं यथाधिमनिसुष्टं प्रवेशयेत् ।
 प्राप्नुयात्साहसं पूर्वमाधाता चाधिमाप्नुयात् ॥५२७॥
 आधि दुष्टेन लेख्येन मुक्ते यमृणिकासनी ।
 नृपो दमं दापयित्वा आधिलेख्यं विनाशयेत् ॥५२८॥
 आधाता यत्र न स्यात्तु धनी दण्डं निवेदयेत् ।
 राजस्ततः स विख्यातो विक्रेय इति धारणा ॥
 सवृद्धिकं गृहीत्वा तु शेषं राजन्यधारयेत् ॥५२९॥

(प्रतिभूविधानम्)

दानोपस्थानयोदेषु विश्वासदापथाय च ।

छत्रकं कारयेद्देवं यथायोगं विपर्यये ॥५३०॥

523 स्मृतिच० III p 321, वि र p. 27.

524 स्मृतिच० III p 323 (reads निपतेद्विद्वियेत), वि. र. p. 28, ड. वि. p. 236 (reads च चेदभनिक० and सनिक for नर्णिक.), वि. वि. p. 11, वीर० p 309

525 अपराकं p 659, स्मृतिच० III. p 326, परा.मा. III. p. 238, वि. र. p. 24, स वि p 235, वीर० 20 p. 308.

526 स्मृतिच० III. p 326, परा. मा III p 238, वि र. p. 25, वीर० p 308

527 स्मृतिच० III p 326, स. वि. p 235

528 स्मृतिच० III p. 329, स वि p. 24, वीर० p. 310.

529 अपराकं p. 658, स्मृतिच० III. p 333, परा मा. III. p. 241, वि. र. p. 34 (reads यत्र नष्टः स्वान्), स वि p 245, वि. वि. p. 11, वीर० p 317.

530 अपराकं p 655 (reads "स्थानविश्वासविवाददापथाय), स्मृतिच० III. p 347, परा मा III p 249, स वि p 247 (reads दापोपस्थान०), वीर० p. 323.

दर्शनप्रतिभूर्यस्तं देशे काले न दर्शयेत् ।
 नियन्धमायदेत्तत्र दैवराजकृतादृते ॥५३१॥
 नष्टस्यान्वेपणार्थं तु देयं पक्षत्रयं परम् ।
 यद्यसौ दर्शयेत्तत्र मोक्षदयः प्रतिभूर्भवेत् ॥५३२॥
 काले व्यतीते प्रतिभूर्यदि तं नैव दर्शयेत् ।
 स तमर्थं प्रदाप्य स्यात् प्रेते चैवं विधीयते ॥५३३॥
 गृहीत्वा बन्धकं यत्र दर्शनेस्य स्थितो भवेत् ।
 विना पित्रा धनं तस्माद् दाप्य स्यात्तद्वर्णं सुत ॥५३४॥
 यो यस्य प्रतिभूस्तिष्ठेदर्शनायेद् मानव ।
 अदर्शयन्स्त तं तस्मै प्रयच्छेत्स्वधनाद्वपम् ॥५३५॥
 आधौ तु पितये दाप्या तत्कालायेदितं धनम् ।
 उत्तरौ तु विसंवादे तौ विना तत्सुतौ तथा ॥५३६॥
 एकच्छायाश्रिते सर्वे दद्यात्तु प्रोपिते सुत ।
 मृते पितरि पित्रंशं परणं न बृहस्पति ॥५३७॥

531 अपराकं p 855, स्मृतिच० III. p 349, वि र p 41, वीर० p 323, व्य म. p. 176 स. वि p 247 and वीर० also at pp 321 322 read देशे काले च दर्शयेत् and connect that half verse with यद्यसौ. भवेत् below

532-533 मिता on या II. 57, अपराकं p 656 (only 532), स्मृतिच० III. p 348, वि र p 42, स वि p 248 (reads काले व्यतीते and कथं चैव विधिः), वीर० pp. 323 and 330, परा या III p 24 (reads काले प्रतीते) स्मृतिच० and वीर० also at p 323 reads काले प्रतीते

534 मिता० on या. II 54 अपराकं p 656 (reads यस्तु दर्शनस्य and विभाव्य आदिना तत्र दाप्यः) परा या III 251, वि र p 43 (follows अपराकं), वीर० p. 328 स्मृतिच० III p 353 (reads यस्तु दर्शनप्रतिभू स्थित विभाव्य आदिना तत्र)

535-536 वीर० p 322 attributes to both कात्यायन and बृहस्पति वीर० p 325 attributes verse 536 to बृहस्पति परा या III p 250 and व्य. म. p 176 attribute 536 to बृहस्पति

537 स्मृतिच० III p 355, वीर०* p 327 (says that this is the read ing of the स्मृतिच०)

एकच्छायाप्रदिष्टानां दाप्यो यस्तत्र दृश्यते ।
 प्रोपिते तत्सुतं सर्वं पित्रंशं तु मृते सुतः ॥५३८॥
 प्रातिभाष्यं तु यो दद्यात् पीडितं प्रतिभावितः ।
 त्रिपक्षात्परतः सौम्यं द्विगुणं लब्धुमर्हति ॥५३९॥
 यस्यार्थे येन यद्वत्तं विधिनाभ्यर्थितेन तु ।
 साक्षिभिर्भावितेनैव प्रतिभूस्तत्समाप्नुयात् ॥५४०॥
 सत्यंकारनिर्गन्वादि द्विगुणं प्रतिदापयेत् ।
 अशुर्वन्तस्तु तद्वानि सत्यंकारप्रयोजनम् ॥५४१॥
 (विशादिभिः वृक्षमृण केन प्रतिदेयम्)
 कुटुम्बार्थमशकेन गृहीतं व्याधितेन वा ।
 उपप्लवनिमित्ते च विद्यादापकृते तु तत् ॥५४२॥
 वन्यावैवाहिकं चैव प्रेतकार्ये च यत्कृतम् ।
 एतत्तत्त्वं प्रदातव्यं कुटुम्बेन कृतं प्रभोः ॥५४३॥
 कर्णं पुनकृतं पित्रा न देयमिति धर्मतः ।
 देयं प्रतिधृतं यत्स्यात् यद्य स्यादनुमोदितम् ॥५४४॥
 प्रोपितस्यामतेनापि कुटुम्बार्थमृणं कृतम् ।
 दासस्त्रीमातृशिष्येभ्यो दद्यात्पुत्रेण वा शृणुः ॥५४५॥

- 538 मिता० on या II 55 (reads मृते एवम्), परा मा III p 251, वि. र. p 52 (reads त्रिपक्षं मृतस्य च), स वि p 250, बीर० p 327 (विश्वमश मृते तु स)
 539 अपराकं p 657, स्मृतिच० III p 357, परा मा. III p. 252 (reads दण्डित for पीडित), वि र p 45, बीर० p 328 (ascribes to both कात्यायन and दृष्ट०)
 540 अपराकं p 657, स्मृतिच० III p 356 (reads विद्यादेवार्थितेन), वि र. p. 46 (व्याधितेन) बीर० p 328
 541 विश्वरूप on या II 63
 542-543 अपराकं p 647, स्मृतिच० III p 403 (reads अशकेन तु, व्याधि-
 देयत्वा) परा मा III p 268, वि र p 56, बीर० p 352, स. वि.
 p 253 (changes the order of the lines)
 544 स्मृतिच० III p 408 409, बीर० p 353, स वि p 263 (latter
 half), वि र p 57 (reads एव यत्कृतमित्यम्)
 545 अपराकं p 648 (reads दासस्त्रीमातृ-), स्मृतिच० III p 407, परा.
 मा III p 264 (reads दद्यात्पुत्रेण वा शृणुः), वि र p 56, स वि
 p 263

मर्त्रा पुत्रेण वा सार्धं केमलेनात्मना कृतम् ।
 ऋणमेवंविधं देयं नाभ्यधा तत्कृतं स्त्रिया ॥५४६॥
 मर्तुकामेन वा मर्त्रा प्रोक्ता देयमृण त्वया ।
 अमपन्नापि सा दाप्या धनं यदाश्रितं स्त्रियाम् ॥५४७॥
 विद्यमानेषु रोगार्ते स्वदेशात्प्रोपितेपि वा ।
 विंशत्संवत्सराद्देयं ऋणं पितृकृतं सुते ॥ ५४८ ॥
 व्याधितोन्मत्तपृष्ठाना तथा दीर्घप्रयासेनाम् ।
 ऋणमेवंविधं पुत्राञ् जीवतामपि दापयेत् ॥ ५४९ ॥
 सांनिध्येपि पितु पुत्रैर्ऋणं देयं धिमावितम् ।
 जात्यन्धपतितोन्मत्तक्षयश्चिन्नादिरोगिण ॥ ५५० ॥
 पितृणां सन्नुमिर्जातैर्दानेनैवाधमादृणात् ।
 विमोक्षस्तु यनस्तस्मादिच्छन्ति पितर सुतान् ॥५५१॥
 नाप्राप्तन्यवहारेण पितर्युपरते क्वचित् ।
 काले तु विधिना देयं वसेयुर्नरकेन्यथा ॥ ५५२ ॥
 अप्राप्तव्यवहारेभ्यस्त्वतनोपीह नर्णभाक् ।
 स्वातन्त्र्यं हि स्मृतं ज्येष्ठे ज्यैष्ठे (छत्रं ?) गुणव्यवहृतम् ॥५५३॥
 यद्वद्वद्वत्तदोपं वा देयं पैतामहं तु तत् ।
 सद्योपं व्याहृतं पित्रा नैव देयमृण क्वचित् ॥ ५५४ ॥

- 546 अपरांकं p 649, स्मृतिच० III p 411, वि र p 60, वीर० p 353
 547 स्मृतिच० III p 412 परा मा III p 270 (धन ह्यप्राप्तो यथा), व
 वि p 263 वीर० p 354
 548 अपरांकं p 650, स्मृतिच० III p 394 परा मा III p 263, व
 वि p 256, वीर० p 342
 549 अपरांकं p 650, वि र p 51
 550 अपरांकं p 650, वि र p 51, परा मा III p 263, वि वि p 16,
 स्मृतिच० III p 394 All except अपरा० ascribe to बृहस्पति
 551 स्मृतिच० III p 393 पर मा III p 263, वीर० p 341
 552 अपरांकं p 650 स्मृतिच० III p 393 (reads 'नवहारीस्तु') वि र
 p 54 ('नवहारीस्तु') परा मा III p 263
 553 स्मृतिच० III p 393 (first half) वीर० pp 340 341
 554 अपरांकं p 650, स्मृतिच० III p 393 (reads यत्न दत्तव्य) वि र
 p 48, वि ।च p 16

पित्रा दृष्टमृणं यत्तु क्रमायातं पितामहात् ।
 निर्दोषं नोद्धृतं पुत्रैर्देयं पौत्रैस्तु तद्भृगुः ॥ ५५५ ॥
 पैतामहं तु यत्पुत्रैर्न दत्तं योगिभिः स्थितैः ।
 तस्मादेयंविधं पौत्रैर्देयं पैतामहं समम् ॥ ५५६ ॥
 ऋणं तु दापयेत्पुत्रं यदि स्यान्निरुपद्रवः ।
 द्रविणार्हश्च धुर्यश्च नान्यथा दापयेत्सुतम् ॥ ५५७ ॥
 यदेयं पितृभिर्नित्यं तद्भावे तु तदचनात् ।
 तद्धनं पुत्रपुत्रैर्वा वैयं तत्स्वमिने तदा ॥ ५५८ ॥
 पित्रर्णे विद्यमाने तु न च पुत्रो धनं हरेत् ।
 देयं तदतिके द्रव्यं मृते गृह्णन्तु दाप्यते ॥ ५५९ ॥
 पुत्राभावे तु दातव्यमृणं पौत्रेण घनतः ।
 चतुर्येन न दातव्यं तस्मात्तद्विनिवर्तते ॥ ५६० ॥
 मातेनाप्यागतं पौत्रैर्दातव्यं न तु तत्कचित् ।
 पुत्रेणापि समं देवमृणं सर्वत्र पैतृकम् ॥ ५६१ ॥
 रिक्त्यहर्त्रा ऋणं देयं तद्भावेऽच-योपितः ।
 पुत्रैश्च तद्भावेनैव रिक्त्यभ्राभिर्यथाक्रमम् ॥ ५६२ ॥
 यावन्न पैतृकं द्रव्यं विद्यमानं लभेतसुतः ।
 सुसमुद्धोपि दाप्यः स्यात्तावत्पैवाद्यमर्णिकः ॥ ५६३ ॥

555 अथर्वकं p. 651, स्मृतिच. III p 397, वि. र. p. 43, स. वि. p. 258.

558 स्मृतिच. III p. 398, वि. र. p. 48

557 अथर्वकं p. 651, स्मृतिच. III. p 394, परा. मा. III. p. 263, वि. र. p. 63, वीर. p 351

558 स. वि. p. 258

559 स्मृतिच. III p 395, परा. मा. III. p. 264, वीर. p 344 (reads पुत्रैस्तु दाप्यते)

560 स्मृतिच. III p. 399 (तस्मात्तद्वि निवर्तते), परा. मा. III. p. 264, वि. र. p. 43 (reads विद्यमानं and चतुर्येन यदा दत्तं), वीर. p. 342 (reads पित्रभावे तु)

561 अथर्वकं p. 650, वि. र. p 44.

562-563 निबन्ध on मा., II. 47.

लिखितं मुक्तकं वापि देयं यत्तु प्रतिष्ठितम् ।
 परपूर्वस्त्रियै यत्तु विद्यात्कामकृतं नृणाम् ॥५६४॥
 यत्र हिंसां समुत्पाद्य कोपाद् द्रव्यं विनाश्य वा ।
 उक्तं तुष्टिकरं यत्तु विद्यात्कोपकृतं तु तत् ॥५६५॥
 स्वस्थेनातौ न वा देयं मायितं धर्मकारणात् ।
 भद्रस्था तु मृते दाप्यस्तत्सुतो नात्र संशयः ॥५६६॥
 निर्धनैरनपत्यैस्तु यत्कृतं शौण्डिकादिभिः ।
 तत्स्त्रीणामुपभोक्ता तु दद्यात्तद्वर्णमेव हि ॥५६७॥
 शौण्डिकन्याधजनकगोपनाविकयोपिताम् ।
 आधिष्ठाता कर्णं दाप्यस्तासां भर्तृकिंयास्तु तत् ॥५६८॥
 न च मायांकृतमृणं कथंचित्पत्युराभवेत् ।
 आपत्कृतादृते पुंसां कुटुम्भ्यार्यं हि विस्तरः ॥५६९॥
 अन्यत्र रजकन्याधगोपशौण्डिकयेपिताम् ।
 तेषां तु तत्परा वृत्तिः कुटुम्भं च तदाश्रयम् ॥५७०॥
 अमतेनैव पुत्रस्य प्रधना यान्यमाश्रयेत् ।
 पुत्रेष्वैवापहार्यं तद्धनं दुहिदभिर्विना ॥५७१॥
 क्रणार्थमाहरेत्तन्तुं न सुखार्थं कदाचन ।
 जयुक्ते कारणे यस्मात्पितरौ तु न दापयेत् ॥ ५७२ ॥
 वा स्वपुत्रं तु जह्यात्स्त्री समर्थमपि पुत्रिणी ।
 आहृत्य स्त्रीधनं तत्र पित्र्यर्णं शोधयेन्मनुः ॥ ५७३ ॥
 बालपुत्राधिकार्यो च भर्तारं यान्यमाश्रितः ।
 आश्रितस्तद्वर्णं दद्याद्बालपुत्राविधिः स्मृतः ॥ ५७४ ॥

564-565 अपरांक p. 648, स्मृति- III. p. 396, पर मा. III. p. 266

वि. र. p. 58, वि. वि. p. 17, स वि. p. 257, वीर- pp. 343-344

566 विवाद-द, वि. वि. p. 16, (reads वृत्तिः) अ. म. p. 208.

567 अपरांक p. 652, वि. र. p. 62., अ. म. p. 167, वि. वि. p. 19.

568 वीर- p. 354.

569-570 वीर- p. 354 वि. वि. p. 19 ascribes these two to नारद.

अपरांक (p. 649) also does so

571-573 वि. र. p. 65

574 अपरांक p. 654, स्मृति- III. p. 406 (reads बालपुत्रा यान्य-), परा. मा.

III. p. 275 (reads बाल या-), स. वि. p. 263 (reads पुत्रादिकर्ता

च बालपुत्रादिविधुत्वं), वीर- p. 655, वि. र. p. 66.

दीर्घप्रयासिनिर्वन्धुजहोन्मसार्तलिङ्गिनाम् ।
जीवतामपि दातव्यं तत्स्त्रीद्रव्यममाश्रितै ॥ ५७५ ॥
व्यसनामिच्छते पुत्रे यालो वा यव दृश्यते ।
द्रव्यहृदाप्येते तत्र तस्यामाये पुरन्धिहृत् ॥ ५७६ ॥
पूर्वं दद्यान्नग्राह पुत्रस्तस्मादनन्तरम् ।
योपिद्माह सुताभाये पुत्रो चात्यन्तनिर्धन ॥ ५७७ ॥
देयं भार्याकृतमृणं भर्त्रा पुत्रेण मातृकम् ।
भर्तुरर्थे कृतं यत्स्यादभिधाय गते दिशम् ॥ ५७८ ॥
देयं पुत्रकृतं तत्स्याद्यच्च स्मादनुवर्णितम् ।
कृतासदादित यमं धृत्या चैवात्रचोदितम् ॥ ५७९ ॥

(अथप्रतिष्ठापनरोधादिना धनादावधिकारः)

धार्योवर्द्धस्त्वृणिकं प्रकाशं जनसंसदि ।
यावन्न दद्याद्देयं च देशाचारस्थितिर्यथा ॥ ५८० ॥
विष्णुप्रशङ्का यस्य स्यान्धार्यमाणस्य देहिनिः ।
पृष्ठतो यानुगन्तव्यो निषद्वं वा समुत्सृजेत् ॥ ५८१ ॥
स कृतप्रतिभूश्चैव मोक्षव्यं स्याद्दिने दिने ।
आहारकाले रात्रौ च निवन्धे प्रतिभू स्थितः ॥ ५८२ ॥
यो दर्शनप्रतिभुव नाधिगच्छेन्न चाश्रयेत् ।
स चारके निरोद्धव्यं स्थाप्यो वापेच रक्षिणः ॥ ५८३ ॥
न चारके निरोद्धव्यं आर्यं प्रात्ययिकं शुद्धिः ।
सोनियद्वं प्रमोक्तव्यो निषद्वं शपथेन वा ॥ ५८४ ॥

575 अणार्क p 654 (reads 'दम्भं समाश्रितै') वि र p 66, वि वि p 20

576 स्मृतिच. III. p 402 वि र p 64 and वि वि p 18 (read बाले),
वीर. p 351 (reads बाले वा यद्रक्षयेत्)

577 स्मृतिच. III p 403 वीर. p 251

578-579 स्मृतिच. III p 407 वीर. p 353 (reads अविधाय and has
578 only) वि र p 59 (has only 578 and reads अक्षयार्थे)

580 स्मृतिच. III p 384 वि र p 67, व्य म p 179 वीर. p 334

581 स्मृतिच. III p 384 वि र p. 69 (reads सता for शङ्का and
निषध) व्य म p 179 (reads निषध), वीर. p 334

582-584 स्मृतिच. III p 385, वीर. pp 134-135 (reads वाक्क id
582-584), वि र p. 60 (reads यानिद्वं and निषद्वं शपथेन)

पीडनेनोपरोधेन साधयेद्वर्णिक धनी ।
 कर्मणा व्यवहारेण सान्त्वेनादौ विमर्शित ॥ ५८५ ॥
 भावदीतार्थमेव तु व्याजेनावरितेन च ।
 कर्मणा स्रजविद्भद्रान् समहीनाश्च दापयेत् ॥ ५८६ ॥
 राजानं स्वामिनं विप्रं सान्त्वेनैव प्रसाधयेत् ।
 रिक्थिपं सुहृद् वापि च्छलेनैव प्रसाधयेत् ॥ ५८७ ॥
 घण्टिजं कर्षकाश्चैव शिल्पिनश्चावर्षीहृगु ।
 देशाचारेण दाप्या स्युर्बुध्नं सपीन्ध दापयेत् ॥ ५८८ ॥
 पीडयेत्तु धनी यत्र ऋणिकं व्यापवादिनम् ।
 तस्मादर्थात्स हीयेत तत्समं चाप्नुयाद्धमम् ॥ ५८९ ॥
 यदि ह्यादावनादिष्टमशुभं कर्म कारयेत् ।
 प्राप्नुयात्साहसं पूर्वमृणान्मुच्येत चणिक ॥ ५९० ॥
 उद्धारादिकमादाय स्वामिने न ददाति यः ।
 स तस्य दासो भूत्य स्त्री पशुर्वा जायते गृहे ॥ ५९१ ॥
 (उपनिधि)
 क्रयं प्रोषितं निक्षिप्तं बन्धान्वाहितयाचितम् ।
 वैश्यवृत्त्यर्पितं चैव सोर्यस्त्वनिधिं हृत ॥ ५९२ ॥
 निक्षिप्तं यस्य यत्किञ्चित्प्रयत्नेन पालयेत् ।
 दैवराजकृतादभ्यो विनाशस्तस्य कीर्त्यते ॥ ५९३ ॥

585-588 वि र pp 68 and 71 वीर० p 333 (roads विमर्शित and कर्षकाश्च स्रज०) remarks that कन्पदं read कर्मणा स्रज०

587-588 स्मृतिच० III p 384 वि र p 69, वीर० pp 333 334 वि वि p 21 अपरांकं p 645 (has 587 and latter half of 588 and reads राजां हृ and छलेन न च दापयेत्)

589 मिता० on या II 40 स्मृतिच० III p 388 अपरांकं p 645, परा मा III p 258 वीर० p 336

590 वि र p 71 वीर० p 339 अपरांकं p 647

591 स्मृतिच० III p 378 परा मा III p 261 अ म p 184 वीर० p 357

592 अपरांकं p 662 स्मृतिच० III p 5 वि र p 84 (roads क्रयं प्रोषि तनिहितं), वि वि p 26

593 स्मृतिच० III 419, वीर० p 364

यस्य वीरेण यत्किञ्चिद्विनाशयेत द्वियेते वा
 तद् द्रव्यं सोदयं दाप्यो दैवराजकृताक्षिता ॥ ५९४ ॥
 याचितानन्तरं नाशे दैवराजकृतेषु स ।
 ग्रहीता प्रतिदाप्यः स्यान्मूल्यमात्रं न संशयः ॥ ५९५ ॥
 न्यामादिकं परद्रव्यं प्रभक्षितमुपेक्षितम् ।
 अज्ञाननाशिनं चैव येन दाप्य स एव तत् ॥ ५९६ ॥
 भक्षितं सोदयं दाप्य समं दाप्य उपेक्षितम् ।
 निविष्यूनं प्रदाप्य स्याद् द्रव्यमताननाशितम् ॥ ५९७ ॥
 अराजदेविकेनापि निक्षिप्तं यत्र नाशितम् ।
 ग्रहीतुं सह भाण्डेन दातुर्नष्टं तदुच्यते ॥ ५९८ ॥
 शाल्या द्रव्यविवेगं तु दाता यत्र विनिक्षिपेत् ।
 सर्वोपायविनाशेषि ग्रहीता नैव दाप्यते ॥ ५९९ ॥
 ग्राहकस्य हि यद्दोषाद्यष्टं तु ग्राहकस्य तत् ।
 तस्मिन्नेष्टे हते वापि ग्रहीता मूल्यमाहरेत् ॥ ६०० ॥
 ग्राह्यस्त्वनिधिः काले कालहीने तु वर्जयेत् ।
 कालहीने द्रव्यदण्डं द्विगुणं च प्रदाप्यते ॥ ६०१ ॥

- 594 अपठकं p. 663, स्मृतिच० III p. 419, वि. र. p. 89, वि. वि. p. 24, वीर० p. 364
 595 स्मृतिच० III, p. 420 (has not the words मूल्य ..मंशय.), वीर० p. 364 (attributes to व्यास)
 596 स्मृतिच० III, p. 420, परा. मा. III, p. 283, वीर० p. 364, वि. र. p. 89, वि. वि. 26.
 597 मिता० on मा. II 67, वीर० p. 364 (attributes to व्यास and कालायन), परा. मा. III p. 283 (ascribes to व्यास).
 598 अपठकं p. 663, स्मृतिच० III, p. 417, परा. मा. III p. 282, वि. र. p. 88, वीर० p. 363 (reads राजदेविकचौरैर्वा निक्षिप्तं).
 599 स्मृतिच० III, p. 418, परा. मा. III, p. 283, वि. र. 89 (read उर्ध्वपादः), वीर० p. 363
 600 वि. र. p. 89, वि. वि. p. 24 (first half). वि. र. p. 89 has first half
 601 अपठकं p. 663, स्मृतिच० III p. 422, परा. मा. III, 286, वि. र. p. 88 (reads कालहीने), वीर० p. 367.

सर्वेषूपनिधिष्येते विधयाः परिकीर्तिता ॥ ६०२ ॥
 यैश्च संस्क्रियते न्यासो दिवसैः परिनिश्चितः ।
 तदूर्ध्वं स्यापयेच्छिल्पिः दाप्यो दवहतेपि तत् ॥ ६०३ ॥
 न्यासदोषाद्विनाशः स्याच्छिल्पिनं तत्र दापयेत् ।
 दापयेच्छिल्पिशोषात्तरतंस्कारार्थं यद्वर्षितम् ॥ ६०४ ॥
 स्वल्पेनापि च यत्कर्म नष्टं चेद्भूतकस्य तत् ।
 पर्याप्तं दितस्तत्तस्य विनश्येत्तदगृह्यत ॥ ६०५ ॥
 यदि तत्कार्यमुद्दिश्य कालः परिनिश्चयः वा ।
 याचितोर्ध्वकृते तस्मिन्नप्राप्ते न तु दाप्यते ॥ ६०६ ॥
 प्राप्तकाले कृते कार्यं न दद्याद्याचितोपि सन् ।
 तस्मिन्नेष्टे हते वापि ग्रहीता मूढ्यमाहेरत् ॥ ६०७ ॥
 याच्यमानो न दद्याद्वा दाप्यस्तत्सोदयं भवेत् ।
 अथ कार्यविपत्तिस्तु तस्येष स्वाभिन्नोऽभवेत् ।
 अप्राप्ते यैः स काले तु दाप्यस्त्यर्घ्यहतेपि तत् ॥ ६०८ ॥
 यो याचितकमादाय न दद्यात्प्रतिषाचितः ।
 स निगृह्य यलादाप्यो दण्ड्यश्च न दद्याति यः ॥ ६०९ ॥

602 वि र p 92

603 604 स्मृतिर० III p 426 परा मा III p 288 वि र p 98
 (reads परिनिश्चितैः) अ म p 193 (has only 603 and reads
 परिनिश्चितैः and दैवदूतेषु त) वीर० p 370 (तदूर्ध्वं स्यापयत् शिल्पिः and
 दैवदूतेषु तम्)

605 स्मृतिच० III p 427, परा मा. III p 289 (reads स्वल्पेनापि)
 वीर० p 370 (ascribes to मनु and कात्यायन) वि र p 98

606 स्मृतिच० III p 427 परा मा III p 289, वि र p 93, वीर० p
 371

607 स्मृतिच० III p 428, परा मा p III p. 290 (reads तस्मिन्नेष्टे),
 वि वि p 24 वीर० p 371.

608 स्मृतिच० III p 427

609 स्मृतिच० III p 428 परा मा III p 290 वि र p 93 (reads
 स्वकाले) वीर० p 372.

610 अपाठक p 664 (reads last pāda as दण्डेन च दद्याति यः), स्मृतिच०
 III p 429, वि र p 93, वीर० p 372, .

अनुमार्गेण फार्येषु अन्यस्मिन्वचनान्मम ।

दद्यात्स्वमिति यो दत्त स इहान्वाचिरुच्यते ॥ ६११ ॥

(अस्वामिविक्रयः)

अस्वामिविक्रयं दानमार्थं च विनिवर्तयेत् ॥ ६१२ ॥

अभियोक्ता धनं कुर्यात्प्रथमं श्रातिभिः स्वकम् ।

पश्चादात्मयिषुष्यर्थं कथं श्रेता स्वदग्धुभिः ॥ ६१३ ॥

नाधिकस्तु प्रकुर्यात् तद्धनं श्रातुभिः स्वकम् ।

अदत्तस्यैकपिक्तीतं हत्वा स्यं लभते धनम् ॥ ६१४ ॥

प्रकाशं वा क्रयं कुर्यात्समूलं चापि समर्पयेत् ।

मूलानयनकालस्तु देयो योजनसंख्यया ॥ ६१५ ॥

प्रकाशं च क्रयं कुर्यात्साधुभिर्ज्ञातिभिः स्वकैः ॥

न तत्रान्या किया प्रोक्ता दैविकी न च मानुषी ॥ ६१६ ॥

यदा मूलमुपन्यस्य पुनर्वादी कथं वदेत् ।

आहरेन्मूलमेवासौ न कथेन प्रयोजनम् ॥ ६१७ ॥

असमाहार्यमूलस्तु कथमेव विशोधयेत् ।

विशोधयेते क्रये राक्षा न घकव्यः स किञ्चन ॥ ६१८ ॥

611 वि. र. p. 84.

612 मिता, on वा II. 168 (no name), स्मृतिच. III. p. 499, परा. मा. III p 291, वि र p 104, स वि p 305

613 अपराधं p 777, स्मृतिच. III p 501 (first half), परा. मा. III. p. 306, वि र p. 106, वीर. p. 376 (first half)

614 अपराधं p 777 (reads अदत्त सत्त.), स्मृतिच. III p. 502, परा. मा. III p. 294 (first half and reads श्रातुभिः), वि. र. p. 104, स. वि. p. 306, वीर. p 378.

615 मिता on वा II. 170 (cites without author's name and reads देयस्तत्राप्यसंख्यया), अपराधं p. 776 (reads मूल्यं शानि), वि र p 101, व्य. म. p. 196 (latter half)

616 अपराधं p 777, स्मृतिच. III p 503, परा. मा III p 296 (reads शानि निर्गतिभिः), वि र, p 106

617 अपराधं p 776 (reads पूर्ववद्), स्मृतिच. III p 504, परा. मा. III. p 297 (reads पूर्ववादी), वि र. 101, वीर. p. 381.

618 अपराधं p 777 (without author's name), मिता, on वा. II. 170 (first half without author's name), वि. र. p. 106, स्मृतिच. III. p. 504 (first half).

अनुपस्थापयन्सूलं कथं वाप्यविशोधयन् ।
 यथाभियोगं धनिते धनं दाप्यो दमं च स ॥६१९॥
 यदि स्वं नैव कुर्वते शातिभिर्नाष्टिको धनम् ।
 पञ्चद्विगुणितस्यार्थं चोरवह्ण्डमर्हति ॥६२०॥
 यणिग्वीथीपरिगतं पिशातं राजपूखैः ।
 अविज्ञाताशयात्क्रीतं विक्रेता यत्र वा मृतः ॥६२१॥
 स्वामी दत्त्वार्धमूल्यं तु प्रगृहीतं स्वकं धनम् ।
 अर्धं द्वयोरपहतं तत्र स्याद्वधवहारतः ॥६२२॥
 अविज्ञातक्रयो दोषस्तथा चापरिपालनम् ।
 एतद्भयं समाख्यातं द्रव्यहानिकरं बुधेः ॥६२३॥

(सम्भृतमुत्पातम्)

समवेतास्तु ये केचिच्छिल्पिनो वणिजोपि वा ।
 अभिभूय प्रथम्यन्ते प्राप्तं तत्र फलं समम् ॥६२४॥
 भाण्डापिण्डव्ययोद्धारमारसार्थवैक्षणम् ।
 कुसुंस्तेज्यभिचारेण समयेन व्यवस्थिताः ॥६२५॥
 प्रयोगं कुर्वन्ते ये तु हेमधान्यरसादिना ।
 समन्यूनाधिकैरंशैर्लभस्तेषां तथाविधः ॥६२६॥
 यद्गर्भं संमते यस्तु दद्याद्भेदो धनं नरः ।
 अर्णं च कारयेद्वापि सर्वैरेव कृतं भवेत् ॥६२७॥

619 मिता० on मा. II 170 (antes as मनु's), वीर० p. 381, वि. र. p. 108, न्य. म. p. 197, स्मृतिच० III p. 504, परा. मा. III. p. 297. All these except the मिता० ascribe to कात्या०.

620 अपराकं 777 (ज्ञातुभिः for ज्ञातिभिः), स्मृतिच० III. p. 505, वि. र. p. 105, परा. मा. III p- 297

621-628 स्मृतिच० III pp 507, 508, परा मा. III. pp. 297 and 300, वीर० p. 380. अपराकं p. 775 ascribes these to बृहस्पति, the न्य. म. p. 197 and बृह्म on मनु 8. 202 ascribe 621-628 to बृहस्पति.

624-625 अपराकं p 332. स्मृतिच० III. p. 431 and परा मा. III. p. 304 ascribes 625 to नारद.

626-630 अपराकं p 332-338. All are ascribed to बृहस्पति in वि. र. p. 128, स्मृतिच० ascribes 626, 627, 630 to बृहस्पति, व. वि. p.

ज्ञातिसंयन्धिसुहृदावृणं देयं सयन्धकम् ।
 धन्येषां लग्नकोपेत लेख्यत्ताक्षियुतं तथा ॥६५८॥
 स्वेच्छादेयं हिरण्यं तु रत्ना धान्यं च सायधि ।
 देशस्थित्या प्रदातव्यं ग्रहीतव्यं तथैव च ॥६५९॥
 समवेतैस्तु यद्वत्तं प्रार्थनीयं तथैव तत् ।
 न च याचेत यः कश्चिद्वाभात्स परिहीयते ॥६६०॥
 घोरतः सलिलादग्नेर्द्रव्यं यस्तु समाहरेत् ।
 तस्यांशे दशमो देयः तथैवादेष्टव्यं विधिः ॥६६१॥
 शिक्षकामित्रकुशला आचार्यश्चेति शिल्पिनः ।
 एकद्वित्रिचतुर्भागाहरेगुस्ते यथोत्तरम् ॥६६२॥
 परराष्ट्राद्धनं यस्याधौरैः स्वाम्याश्रयादृतम् ।
 राज्ञो दशांशमुद्धृत्य विमजेरन्यथाविधि ॥६६३॥
 घोराणां मुखभूतस्तु चतुर्यंशांस्ततो हरेत् ।
 शूर्तेशास्त्रीन् समर्थो द्वौ शेषास्त्येकैरुमेव च ॥६६४॥
 तेषां चेद्भ्रष्टृतानां यो ग्रहणं समधामुयात् ।
 तस्मोक्षणार्थं यद्वत्तं यदेयुस्ते यथांशतः ॥६६५॥
 भर्तृकामात्रेणैव धर्मः सद्भिर्वाद्धतः ।
 तालशो लभते त्वर्धं गायनास्तु समाशिनः ।
 प्रमुखा द्वयंशमर्हन्ति सोयं समूय कुर्यताम् ॥६६६॥

272 has 627 but cites no name, एव म p 200 ascribes 627 to बुद्धस्वति परा मा III p 306 ascribes 627 and 630 to बुद्धस्वति

631 स्मृतिच० III p 433, परा मा III, p 305, वि र p 114 (सर्व-
 प्रत्येभव), स वि p 278

632 अथार्क p 838, स्मृतिच० III p 435, परा मा III p 310 (reads
 विष्वाकर्षणकुशला and यथाशित), वि र p 124, स वि p 273,
 वीर० p 300.

633-34 परा मा III p 311, स्मृतिच० III p 440 वि र pp 125-
 126, वीर० p 391, स वि p 276 (only verse 633)

635 स्मृतिच० III, p 431, परा मा III p 311, स वि p 276, एव, म,
 p 200, वीर० p 391, वि र, p 126 (reads तत्प नार्थं समा किय)

636 परा मा III p 312, अथार्क ascribes first two half lines to
 बुद्धस्वति and so do वि र, p 125, वीर० p 391, स वि p. 276,

घणिजा कर्पकाणा च चोराणा शिल्पिना तथा ।

अनियम्याशकृत्तृणा सर्वेषामेव निर्णय ॥६३७॥

(दत्तानपारम् दत्ताप्रदानिक वा)

विक्रय वैष दान च न नेया स्युरनिच्छव ।

द्वारा पुत्राश्च सर्वस्यमात्मनैः तु योजयेत् ॥६३८॥

आपत्काले तु कर्तव्य दान विक्रय एव वा ।

अन्यथा न प्रवर्तेत इति शास्त्रयिनिश्चय । ६३९॥

सर्वस्यगृहवर्जं तु कुटुम्बभरणाधिकम् ।

यद्द्रव्य तत्स्वक देयमदेय स्यादतोऽन्यथा ॥६४०॥

भतश्च स्रुतद्वाराणा वशित्व त्वनुशासने ।

विक्रये चैव दाने च वशित्व न मुते पितु ॥६४१॥

स्थेच्छया य प्रतिश्रुत्य ग्राहणाय प्रतिग्रहम् ।

न दद्यादण्यद्वाप्य ग्राह्यात्पूर्वसाहसम् ॥६४२॥

प्रतिश्रुतस्यादानेन दत्तस्याच्छादनेन च ।

कल्पकोटिशत मर्त्यस्तिर्यग्योनी च जायते ॥६४३॥

अविभातोपलब्धयर्थं दान यत्र निरूपितम् ।

उपलब्धिक्रियालप्प सा भृति परिकीर्तिता ॥६४४॥

637 परा मा III p 312 वि र p 126 अ म p 201, वीर० p 391,
स्मृतिच० III p 441

638-639 अपरार्क p 779 परा मा III p 315 (आग्रयेव) वि. र p
128, and वि वि p 36 (both read आत्मन्येव) स्मृतिच० III
pp 445 446

640 स्मृतिच० III p 445 परा मा III p 214 वि र p 129 वि वि
p 37 स वि p 283 वीर० p 395 All except स्मृतिच० read
सर्वस्य गृहवर्जं
परा मा III p 315 स्मृतिच० III p 445 (as स्मार्पन्तः)
स्मृतिच० III p 440 वि र p 132 अ म p 203 वीर० p 397
स वि p 285

स वि p 285 वि र p 132 ascribes a closely similar verse to
'हरीत

स्मृतिच० III p 440 अपरार्क p 781 वि र p 184, वीर० p 397

नातिसंयन्धिसुहृदासृणं देयं सगन्धकम् ।
 धन्येषां लग्नकौपेतं क्लेश्यसाक्षियुतं तथा ॥६५८॥
 स्वेच्छादेयं हिरण्यं तु रसा धान्यं च सायधि ।
 देशस्थित्या प्रदातव्यं प्रहीतव्यं तथैव च ॥६५९॥
 समयेतैस्तु यदत्तं प्रार्थनीयं तथैव तत् ।
 न च याचेत यः कश्चिद्भामात्स परिहीयते ॥६६०॥
 घोरतः सलिलादग्नेर्द्रव्यं यस्तु समाहरेत् ।
 तस्यांशो दशमो देयः सर्ववादेष्वयं विधिः ॥६६१॥
 शिक्षकामितकुशला आचार्यश्चेति शिष्यिनः ।
 एकद्वित्रिचतुर्भागान्द्वेयुस्ते यथोत्तरम् ॥६६२॥
 परराष्ट्राद्धनं यत्स्याद्यौरैः स्वाम्पाश्याहृतम् ।
 राशौ दशांगमुदघृत्य विभजेत्यथाविधि ॥६६३॥
 चोराणां मुख्यभूतस्तु चतुर्यंशांस्ततो हरेत् ।
 शूर्यंशांस्त्रीन् समर्थो द्वौ शेषास्त्वेकैकमेव च ॥६६४॥
 तेषां चेदप्रसृतानां यो ग्रहणं समयाश्रयात् ।
 तन्मोक्षणार्थं यदत्तं चदेयुस्ते यथांशतः ॥६६५॥
 मर्तकानामेव एव धर्मः सन्निरुदाद्धतः ।
 तालहो लभते त्वर्थं गायनास्तु समांशिनः ।
 प्रमुखा हृद्यंशमर्हन्ति सोऽयं संभूय कुर्वताम् ॥६६६॥

272 has 627 but cites no name, व्य. म. p. 200 ascribes 627 to इहस्पति परा. मा. III. p. 308 ascribes 627 and 630 to इहस्पति

631 स्मृतिच. III p. 433, परा. मा. III p. 305, वि. र. p. 114 (सर्व. दम्पेध्वं), स. वि. p. 278

632 अपराधं p. 838, स्मृतिच. III p. 435, परा. मा. III p. 310 (reads शिष्याश्चरुशला and यथांशतः), वि. र. p. 124, स. वि. p. 278, वीर. p. 390.

633-34 परा. मा. III p. 311, स्मृतिच. III p. 440, वि. र. pp. 125-126, वीर. p. 391, स. वि. p. 276 (only verse 633)

635 स्मृतिच. III. p. 441, परा. मा. III p. 311, स. वि. p. 276, व्य. म. p. 200, वीर. p. 391, वि. र. p. 126 (reads तस्य कार्यं समा कियत्).

636 परा. मा. III. p. 312, अपराधं ascribes first two half lines to इहस्पति and so do वि. र. p. 125, वीर. p. 391, स. वि. p. 276,

घणिजा कर्पकाणा च चोराणा शिल्पिना तथा ।

अनियम्याशकर्तृणा सर्वेषामेव निर्णय ॥६३७॥

(दत्तानपाशर्म दत्ताश्रुतिक वा)

विक्रय चैव दान च न नेया स्युरनिच्छय ।

वारा पुनाश्च सर्वस्यभारमनैः तु योजयेत् ॥६३८॥

आपत्काले तु कर्तव्य दान विक्रय पथ वा ।

अन्यथा न प्रपतंत इति शास्त्रविनिश्चय । ६३९ ।

सर्वस्वगृहवज तु कुटुम्बभरणाधिकम् ।

यद्द्रव्य तत्स्य क देयमदेय स्यादतोन्मथा ॥६४०॥

भतश्च सुतदाराणा यशित्व त्वनुशासने ।

विक्रये चैव दाने च यशित्व न सुते पितु ॥६४१॥

स्वेच्छया य प्रतिधृत्य ब्राह्मणाय प्रतिग्रहम् ।

न दद्यादण्यद्वाप्य ग्राह्यात्पूर्वसाहसम् ॥६४२॥

प्रतिधृतस्यादानेन दत्तस्याच्छादनेन च ।

कल्पकोटिशत मर्यास्तिर्यग्योनौ च जायते ॥६४३॥

अविज्ञातोपलब्ध्यर्थ दान यत्र निरूपितम् ।

उपलब्धिक्रियालब्ध सा भूति परिकीर्तिता ॥६४४॥

637 परा मा III p 312 वि र p 128 अ म p 201, वीर० p 391,
स्मृतिच० III p 441

638-639 अपरार्क p 779 परा मा III p 315 (आत्मयेव) वि र p
128 and वि वि p 36 (both read आत्मयेव) स्मृतिच० III
pp 445 446

640 स्मृतिच० III p 445 परा मा III p 214 वि र p 129 वि वि
p 37 स वि p 283 वीर० p 395 All except स्मृतिच० read
सर्वस्व गृहवजं

641 परा मा III p 315 स्मृतिच० III p 445 (as स्मृत्यन्तरं)

642 स्मृतिच० III p 449 वि र p 132 अ म p. 203 वीर० p. 397
स वि p 285

643 स वि p 285 वि र p 132 ascri bes a closely similar verse to
हारीत

644 स्मृतिच० III p 449 अपरार्क p 781 वि र p 131 वीर० p. 397

भयश्रमाय रक्षार्थं तथा कार्यप्रसाधनात् ।
 अनेन विधिना लब्धं विद्यात्प्रत्युपकारतः ॥६४१॥
 प्राणसंशयमापद्यो मामुत्तारयेदितः ।
 सर्वस्य तस्य दास्यामीत्युक्तेषु न तथा भवेत् ॥६४६॥
 कामक्रोधाद्यतन्त्रार्तद्विधोन्मत्तप्रमोदितैः ।
 व्यत्यासपरिहासाच्च यद्वृत्तं तत्पुनर्दरेत् ॥६४७॥
 या तु कार्यस्य सिद्धयर्थमुत्कोचा स्यात्प्रतिश्रुता ।
 तस्मिन्नापि प्रसिद्धे न देया स्यात्कर्षचन ॥६४८॥
 अथ प्रागेव वृत्ता स्यात्प्रतिवाप्यस्तथा बलात्
 दण्डं चैकादशगुणमाहुर्गार्गीयमानवाः ॥६४९॥
 स्तेनसाहसिकोद्बृत्तपारजाधिकशंसनात् ।
 दर्शनाद्बृत्तनष्टस्य तथासत्यप्रवर्तनात् ॥६५०॥
 प्राप्तमेतैस्तु यार्त्किञ्चित्तदुत्कोचास्यमुच्यते ।
 न दाता तत्र दण्डयः स्यान्मध्यस्थश्चैव दोषमाय् ॥६५१॥
 नियुक्तो यस्तु कार्येषु स चेदुत्कोचमाप्नुयात् ।
 स दाप्यस्त्वन्नं शृङ्खलं दमश्चैकादशाधिकम् ॥६५२॥
 अनियुक्तस्तु कार्यार्यमुत्कोचं यमवाप्नुयात् ।
 कृतप्रत्युपकारार्थस्तस्य दोषो न विद्यते ॥६५३॥

646 अपरांकं p. 781 (reads प्रत्युपकारकम्), स्मृतिच. III. p. 450, वि. र. p. 184, बीर. p. 398 (reads भयश्रमोपरक्षा and लब्धं भयश्रमोपरक्षा पश्य).

648 अपरांकं p. 781, स्मृतिच. III. 450, वि. र. p. 184.

647-649 अपरांकं pp. 781-782, स्मृतिच. III. p. 452, परा. मा. III. p. 319, वि. र. p. 135-136, अ. य. p. 205 (reads यस्तु and उत्कोचः), बीर. p. 399.

650-651 अपरांकं p. 782 (reads पारजादिक. and वृत्तनष्टस्य), स्मृतिच. III. p. 452, परा. मा. III. p. 320 (reads पारजादिकलक्षणम्), वि. र. 137 (reads पारजादिक.), स. वि. p. 286 (reads पारजादिक. and वृत्तनष्टस्य), बीर. pp. 399-400, अ. य. p. 205.

652-653 स. वि. p. 286.

स्वस्थेनार्तेन वा दत्तं धावितं धर्मकारणात् ।
 अवत्त्वा तु मृते दाप्यस्तत्सुतो मात्र संशयः ॥६५४॥
 योगाधमनविहीतं योगदानप्रतिग्रहम् ।
 यस्य चाप्युपधि पश्येत्तत्सर्वं विनियर्तयेत् ॥६५५॥
 भुतावनिश्चितायां तु दशभागमवाप्नुयात् ।
 लाभगोवीर्यसत्त्वानां षणिगोपकृपीवलाः ॥ ६५६ ॥

(नेतवत्त्वानवाकर्म)

कर्मारम्भं तु यः कृत्वा सिद्धं नैव तु कारयेत् ।
 घलात्कारयितव्योऽसावकुर्वन्पण्डमर्हति ॥६५७॥
 विधायन्वाहको दाप्यः प्रस्थाने द्विगुणां भृतिम् ॥६५८॥
 न तु दाप्यो हृतं चैरिदं धर्ममूढं जलेन वा ॥६५९॥
 स्यजेत्पथि सहायं यः श्रान्तं रोगार्तेमेव वा ।
 प्राप्नुयात्साहसं पूर्वं ग्रामे श्यदमपालयन् ॥६६०॥
 यदा तु पथि तद्ग्राण्डमासिभ्येत द्विपेत वा ।
 यावानघ्वा गतस्तेन प्राप्नुयात्तावती भृतिम् ॥६६१॥

654 अवरकं p 782, स्मृतिच० III. p. 453, 'सिद्धा' on वा. II. 176, परा. मा. III p. 320, स. वि. p. 287.

655 अवरकं p. 783, स. वि. p. 287 ascribes to नारदः स्मृतिच० III. p 454, वीर० p. 400 and परा. मा. III. p. 320 ascribe to मनु (it is मनु 8. 165)

656 स. वि. p. 296.

657 स्मृतिच० III. p. 478, परा. मा III. p 525 (reads सर्वं for सिद्धं), वि. र. p. 160 (सर्वं), स. वि. p 299, वीर० p. 416 (reads सिद्धिं).

658 स्मृतिच० III p. 478 (reads द्विगुणं स्मृतं), परा. मा. III. p. 327, वीर० p. 418

659 स. वि. p. 300, अवरकं p 799, स्मृतिच० III. p. 478 and वीर० p. 418 (ascribes to वृद्धमनु)

660 स्मृतिच० III. p 477, अवरकं p 800, परा. मा III p. 332, वि. र. p. 165, वीर० p 421

661 स्मृतिच० III. p 478, परा. मा III. p 329, वि. र. p. 184, वि. वि. p. 50, वीर० p 419.

हस्त्यश्वगोखरोष्ट्रादीन्गृहीत्वा भाटकेन यः ।
 नार्पयेत्तृतृत्यार्थं स तु द्वाप्य सभाटकम् ॥६६२॥
 गृहवार्यापणादीनि गृहीत्वा भाटकेन यः ।
 स्वामिने नार्पयेद्यावत्तावद्वाप्य सभाटकम् ॥६६३॥

(स्वामिपान्तरिशदः)

क्षेत्रारामविहीतेषु वृद्धेषु पशुनाटिषु ।
 ग्रहणं तत्प्रविष्टानां ताडनं वा वृद्धस्पृष्टिः ॥६६४॥
 अधमोत्तममध्यानां पशूनां चैव ताडनम् ।
 स्वामी तु विचक्षेद्यत्र दण्डः तत्र प्रकल्पयेत् ॥६६५॥
 अजातेष्वेव तस्येषु दुर्यादाचरणं मदत् ।
 दुःशोभेन निवार्यन्ते लब्धस्वाङ्कुरस्ता मृगाः ॥६६६॥
 दापयेत्पणपादं वा द्वौ पादा माहिपी तथा ।
 तथाजादिकवत्सानां पादो दण्डः प्रकीर्तितः ॥६६७॥

(समयस्थानपात्रं सविद्व्यातिशयोक्तं वा)

समूहिता तु यो धर्मस्तेन धर्मेण ते सदा ।
 प्रकुर्युः सर्वकर्माणि स्वधर्मेण व्यवस्थिताः ॥६६८॥
 धविरोधेन धर्मस्य निर्गतं राजशासनम् ।
 तस्यैवाचरणं पूर्वं कर्तव्यं तु नृपाशया ॥६६९॥
 राजप्रवर्तितान्धर्मान्यो नरो नानुपालयेत् ।
 गृह्यं स पापो दण्ड्यश्च लोपयन्राजशासनम् ॥६७०॥

662-663 स्मृतिच० III p 479 परा मा III pp 330 31, वि र pp 168 169 अपराक p 801 (663 only) वीर० p 420

664 स्मृतिच० III p 487, वि र p 241 वि वि p 69

665 स्मृतिच० p 483, अपराक p 672, वि र p 241 वि वि p 69

666 स्मृतिच० III p 488 अपराक p 770 परा मा III p 378 वीर० p 446

667 स्मृतिच० III p 494 (first half) वि र p 235, वि वि p 67

668 स्मृतिच० III, p 525 वि र p 180 and वीर० p 426 (read समूहानां) परा मा III 1 303 (also समूहानां)

669-670 स्मृतिच० III pp 525 526 वि र 1 181 वीर० p 426

युक्तियुक्तं च यो हन्याद्वक्तृयोऽनवकारादः ।
 अयुक्तं चैव यो ब्रूते स दाप्यः पूर्वसाहसम् ॥ ६७१ ॥
 साहसी भेदकारी च गणद्रव्यविनाशकः ।
 उच्छेद्यः सर्व एयेते विख्याप्यैवं नृपे भृगुः ॥ ६७२ ॥
 एकपात्रे च वा पङ्क्त्यां संभोक्ता यस्य यो भवेत् ।
 भक्तुर्वस्तुतया दण्डयस्तस्य दोषमदर्शयन् ॥ ६७३ ॥
 गणमुद्दिश्य यत्किञ्चित्कृत्यार्णं भक्षितं भवेत् ।
 आत्मार्थं विनियुक्तं वा देयं तैरेव तद्भवेत् ॥ ६७४ ॥
 गणानां श्रेणिवर्गाणां गताः स्युर्ये तु मध्यताम् ।
 प्राक्तनस्य धनार्णस्य समांशा सर्व एव ते ॥ ६७५ ॥
 तथैव भोज्यवैभोज्यदानधर्मक्रियासु च ।
 समूहस्यांशभागी स्यात्प्रगतस्त्वंशभात्न तु ॥ ६७६ ॥
 यत्तैः प्राप्तं रक्षितं वा गणार्थं वा कर्णं कृतम् ।
 राजप्रसादलब्धं च सर्वेषामेव तत्समम् ॥ ६७७ ॥
 (नैगमादिरहालक्षणम्)
 नानापीरसमूहस्तु नैगमः परिकीर्तितः ।
 नानायुधधरा दाता समवेताः प्रकीर्तिताः ॥ ६७८ ॥

- 671 अपराङ्क p 795, स्मृतिच० III p 527, परा मा III p 354 (हन्यादः कार्यानिवकारादः), वीर० p 428, वि र p 179
 672 अपराङ्क p 693, स्मृतिच० III p. 530 (reads दृष्टेयः and notices the reading दृष्टेभृगुः), वि र p 183, वीर० p. 428.
 673 अपराङ्क p 794, वि र p 185, वि वि. p. 54, घ. वि p 330 (reads पङ्क्त्या वा न भोक्ता येन वा भवेत्। अत्रापेक्ष स तथा).
 674 अपराङ्क p 795 (reads ये कैश्चित्), स्मृतिच० III p. 533, परा. मा. III p 359, स वि. p 181 वि र p 187, वि वि. 55.
 675-676 अपराङ्क p 795 (reads भोज्य वैभोज्यं धनं), स्मृतिच० III p 533 (reads गणिनां श्रेणिवर्गाणां and वैभोज्यं), परा मा III. pp. 359-360 (reads प्राक्तनस्याधनपैस्य, भोजनवैभोज्यं and प्रगतत्वार्थ-मात्रभाक्), वि. र. pp 187-188, वीर० p. 432 (reads वैभोज्य and प्राग्वतः)
 677 घ. वि p. 330.
 678-682 वि र pp. 688 689, स्मृतिच० III p. 524 and वीर० p. 428 and परा मा III p. 352 have latter half of 678 and first

समूहो यणिजादीनां पूगः संपरिकीर्तितः ।
 प्रयज्यावसिता ये तु पापण्डाः परिकीर्तिताः ॥ ६७९ ॥
 ब्राह्मणानां समूहस्तु गणः संपरिकीर्तितः ।
 शिल्पोपजीविनो ये तु शिल्पिनः परिकीर्तिताः ॥ ६८० ॥
 बार्हतसीगतानां तु समूहः सः उच्यते ।
 चाण्डालाभ्यपचादीनां समूहो गुल्म उच्यते ॥ ६८१ ॥
 गणपापण्डपूमाश्च प्राताश्च धेणयस्तथा ।
 समूहस्याश्च ये चान्ये वर्गाव्यास्ते बृहस्पतिः ॥ ६८२ ॥
 (कयवित्यानुष्ठपः क्रीत्वानुशयौ विक्रीय संप्रदानं वा)
 क्रीत्वा प्राप्तं न गृहीयाद्यो न दद्याद्दूषितम् ।
 स मूल्याहशमं भागं दत्त्वा स्वद्रव्यमामुयात् ॥ ६८३ ॥
 अग्रतेर्यक्रियाकाले हृते नैव प्रदापयेत् ।
 एवं धर्मो दशाहानु परतोनुशयो न तु ॥ ६८४ ॥
 भूमेर्दशाष्टे विकेतुरायस्तत्केतुरेव च ।
 द्वादशाहः सपिण्डानामपि चाल्पमतः परम् ॥ ६८५ ॥
 क्रीत्वानुशययान्पण्यं त्यजेद्दोषादि यो नरः ।
 बहुष्टमेय काले तु स मूल्याहशमं गृहेत् ॥ ६८६ ॥
 क्रीत्वा गच्छन्ननुशयं कथी हस्तमुपागते ।
 पट्टभागं तत्र मूल्यस्य दत्त्वा क्रीतं त्यजेद्बुधः ॥ ६८७ ॥
 अधिष्ठातं तु यत्क्रीतं दुष्टं पश्चाद्विभाषितम् ।
 क्रीतं तत्तस्वामिने देयं काले नैव न्यथा न तु ॥ ६८८ ॥

half of 680 (they read कुम्भना द्वि सप्तदशतु). स्मृतिच. III p. 40 has 682, latter half of 678 and first half of 680.

683-684 स्मृतिच. III. p 511, वि. र pp 191-192, परा मा. III. p 367, स. वि p 310 (reads दशाष्टं), वि. वि 56 (अग्रतेर्ये क्रियाकाले), वि. र also reads अग्रतेर्ये क्रियाकाले.

685 परा. मा. III. p. 364

686 स्मृतिच. III. p 512, वि. र p 197, स. वि p 311 (क्रीत्वानुशय-यात्), बीर. p 435 (reads क्रीत्वा वाशुशयं पश्चात्त्यजेद्दोषाष्टे)

687 स्मृतिच. III. p 512, वि. र. p 197 (reads त्यजेद्बुधः), बीर. p. 485.

688 स्मृतिच. III. p 513, परा मा. III p 361, वि. र p 199 (reads देयं पण्यं कालेन्यथा न तु), स्य म p 217, बीर. p 438

निर्दोष दर्शयित्वा तु यः सन्तोषं प्रयच्छति ।
 मूल्यं तद् द्विगुणं दाप्यो विनयं तावदेव च ॥६८९॥
 उपहस्येत वा पण्यं दहेतापह्नयेत वा ।
 विक्रेतुरेव सोन्ध्यां विक्रीयास्तप्रयच्छतः ॥६९०॥
 दीयमानं न गृह्णाति क्रीतं पण्यं च यः कुर्यात् ।
 विक्रीतं च तदन्यत्र विक्रेता नापराधुयात् ॥६९१॥
 मत्तोष्मसेन विक्रीतं हीनमूल्यं भयेन वा ।
 अस्वतन्त्रेण मुग्धेन त्याज्यं तस्य पुनर्भवेत् ॥६९२॥
 इयद् दोहं परीक्षितं पञ्चाहाद्याहमेव तु ।
 मुकाद्यज्ञप्रचालानां सप्तहं ह्यात्मवीक्षणम् ॥६९३॥
 द्विपदमर्धमासं तु पुंसां तद्विगुणं स्त्रियाः ।
 दशाहं सर्वबीजानामेकाहं लोहवातसाम् ॥६९४॥
 यतोर्वीर्यपण्यदोषस्तु यदि सजायते कश्चित्
 विक्रेतुः प्रतिदेयं तत् क्रेता मूल्यमवाप्नुयात् ॥६९५॥
 परिभुक्तं वा च द्राव्यं क्लिष्टरूपं मलीमसम् ।
 सन्तोषमपि तत्क्रीतं विक्रेतुर्न भवत्पुनः ॥६९६॥
 साधारणं तु यत्क्रीतं नैको दद्यात्प्रराधमः ।
 नादद्यात् च गृह्णीयाद्विक्रीयाच्च न चेयं हि ॥६९७॥
 क्रीत्वा मूल्येन यत्पण्यं दुष्क्रीतं मन्यते कुर्यात् ।
 विक्रेतुः प्रतिदेयं तत्तस्मिन्नेवाक्षयवीक्षितम् ॥६९८॥

689 690 स वि p 311

691 म वि p 311 वि वि p 67 (no name cited)

692 स वि p 313 वीर० 461 and वि वि p 67 ascribe to बृहस्पति

693 695 उ वि p 316 वि र p 199 ascribes first two to नारद
 and third to बृहस्पति वि वि p 67 ascribes first two to व्यास
 and नारद and the third (p 68) to बृहस्पति परा मा III p
 361 ascribes all three to व्यास and वीर० p 493 ascribes all
 to नारद The first two verses are Nārada 12 5-6

696 उ वि p 317 परा मा p 361 and अ म p 217 ascribe it to
 नारद (it is नारद 12 7)

697-699 म वि p 317 परा मा III p 363 ascribes 698 to नारद

द्वितीयेद्वि ददत् केता मूल्यात् त्र्यंशांशमाहरेत् ।
 द्विगुणं तु तृतीयेद्वि परतः केतुरेव तत् ॥७९९॥
 द्रव्यस्य पञ्चधा कृत्या विभागो मूल्यमुच्यते ।
 लाभश्चतुर्यो भागः स्यात् पञ्चमा सत्यमुच्यते ॥७००॥
 सान्धेश्च परिवृत्तेश्च विपमा वा विमोगतः ।
 माशयापि क्रयव्यापि दशाष्टं पिनिर्गतेयत् ॥७०१॥
 काल्यादीनननुज्ञाप्य समोपस्थाननिन्दितान् ।
 क्रयविक्रयधर्मोपि भूमेर्नास्तीति निर्णयः ॥७०२॥
 स्वग्रामे दशरात्रं स्यादन्यग्रामे त्रिपक्षकम् ।
 राष्टान्तरेषु पण्मासं भागभेदे तु वत्सरम् ॥७०३॥
 पलायिते तु करदे करप्रतिमुवा सह ।
 करार्थं करदक्षेत्रं विक्रीणीयुः समासदः ॥७०४॥
 समवेतैस्तु सामन्तैरभिज्ञैः पापमीठभिः ।
 क्षेत्रारामगृहादीनां द्विपदां च चतुष्पदाम् ॥७०५॥
 कल्पितं मूल्यमित्याहुर्भागं कृत्वा तदष्टधा ।
 एकभागातिरिक्तं वा हीनं धानुचितं स्मृतम् ॥७०६॥
 समाः शतमतीतेपि सर्वे तद्विनिर्गते ।
 क्रयविक्रयणे ऋणं वन्मूल्यं धर्मतोर्हति ॥७०७॥
 तत्तुर्यं पञ्चमे पष्ठे लप्तमैशेष्येपि वा ।
 हीनो(ने) यदि पिनिर्गते त्रयविशयणे सति ॥७०८॥
 हीनमूल्यं तु वत्सर्वं धृतमप्यकृतं मवेत् ॥
 उक्तदक्षतरे हीने क्रये(यो ?) नैव प्रदुष्यति ॥७०९॥
 तेनाप्यंशेन हीयेत मूल्यतः क्रयविक्रये ।
 कतमप्यकृतं प्राहुरन्ये धर्मविदो जना ॥७१०॥

(15 18 नारद 12 2)

700 अ. वि. p. 318

701 अ. वि. p. 320

702-703 अ. वि. p. 322

704 अ. वि. p. 324

705-706 अ. वि. p. 325

707-710 अ. वि. pp. 325-26

अर्धाधिके कथं सिध्येदुक्तलामो वृशाधिकः (द्विक) ।
 नयत्रयस्त्रिभिर्भोगेन [भोगेन] सद्यः प्रय कचिकथ ॥७११॥
 मूल्यात्स्वल्पप्रदानेपि कथसिद्धि कृताः प्रयेत् ।
 चक्रपुच्छां प्रदातव्यं देयं तत्समयाहते ॥७१२॥
 (अन्यपेत्वाऽथवा)

यस्तु न ग्राहयेच्छिष्य कर्माण्यन्यानि स्तारयेत् ।
 प्रामुयात्सादसं पूर्वं तस्माच्छिष्योऽतिवर्तते ॥७१३॥
 शिक्षितोपि धित काममन्तेवासी समान्नरेत् ।
 तत्र कर्म स यत्पुर्यादाचार्यस्यैव तत्फलम् ॥७१४॥
 स्वतन्त्रस्यात्मनो दानादासत्वं दारयद्भुगु
 त्रिषु वर्णेषु मित्रेय दास्य चिप्रस्य न कचित् ॥७१५॥
 वर्णात्तामानुलाभ्येन दास्य न प्रतिलेभत ।
 राजन्यसैश्यशूद्राणां खजतां हि स्वतन्त्रताम् ॥७१६॥
 समग्रैर्वापि त्रिषु दासत्वं नैव कारयेत् ।
 ग्राहणस्य हि दासत्वाभूयतेजो विहन्यते ॥७१७॥
 सप्तभिर्दशभिर्यस्तु समग्रैर्वापि कर्त्ता चत ।
 कारयेदासवर्मापि ग्राहणं न दृढस्पति ॥७१८॥

711 स वि p 326

712 स वि p 327

713 अपराधं p 780 स्मृतिच० III p 457, परा मा III 1838, वि र p. 141, वीर० p 403, स वि p 290

714 स वि p 290, स्मृतिच० III p 457 (शिक्षितोपि हत असम्बन्धे) ;
 वीर० p 408 ascribes to नारद and reads as स्मृतिच०, 18008

715 अपराधं p 788, स्मृतिच० III p 460, वि र p 152 अथ, अथ PP 206 207, वीर० p 405

716 अपराधं p 788 स्मृतिच० III p 461 (वर्णकमल०) परा मा. III p 341 वि र p 152 स वि p 290 (reads the lines त्रिषु वर्णेषु and वर्णात्तामानु० as one verse)

717-718 अपराधं p 789 (puts verse 718 between the two halves of 717) स्मृतिच० III pp 461 62 (reads समग्रैर्वापि), परा मा III 1 842 (reads अपराधे तु विप्रस्य and अनाश्वदनमपत्र) वि र I 152 (order like that in अपराधे) अथ स p 207 and वीर० I 467 (omit the line अज्ञायति &c)

शीलाभ्ययनसपन्ने तदून कर्म कामत ।
 तत्रापि नाशुभ किञ्चित्प्रवृत्तौ द्विजोत्तम ॥७१९॥
 विष्णुवोन्माजने चैव नम्रत्वपरिमर्दनम् ।
 प्रायो दासीसुता कुर्युर्गवादिग्रहण च यत् ॥७२०॥
 प्रमज्यावसिता यत्र त्रयो वर्णा द्विजादयः ।
 निर्व्यासं कारयेद्विभ्रं दासत्वं क्षत्रविद् नृप ॥७२१॥
 शूद्रं तु कारयेद्दासः क्रीतमक्रीतमेव वा ।
 दास्यायैव हि सृष्ट स स्वयमेव स्वयम्भुवा ॥७२२॥
 स्वदासीं यस्तु संगच्छेत्प्रसूता च भवेत्ततः ।
 भवेद्दय पीत्र कार्या स्यात्त दासी तान्यया तु सा ॥७२३॥
 दासस्य तु धन यत्स्यात्स्वामी तस्य प्रभु स्मृतः ।
 प्रकाश विक्रयाद्यन्तु न स्वामी धनमर्हति ॥७२४॥
 दासेनोढा त्वदासी या सापि दासीत्वमाप्नुयात् ।
 यस्माद्भर्ता प्रमुस्तस्या स्वाभ्यधीन प्रभुर्यतः ॥७२५॥
 आदद्याद् द्राह्मणीं यस्तु विनाणीत तथैव च ।
 राधा तद्वृत कार्यं दण्डया स्यु सर्व एव ते ॥७२६॥

719 स्मृतिच० III 461, वि र p 152 वि वि p 47

720 वि. र p 144

721 अपरा० p 787, स्मृतिच० III p 466 (reads क्षत्रविद्वत्), यत्
 या III p 345 (दासत्वं क्षत्रिय विश) स वि p 293, वि वि PP

43-44 अ म 207 (क्षत्रिय स्यु) वीर० p 406 ('विद् मृग)

722 स वि p 296 Thus is मनु 8 413 (which reads मातापत्य
 स्वयम्भुवा)

723 स्मृतिच० III p 468 (रवाज दासी) वि र p 148, अ म p. 210,
 वीर० p 412.

724 स्मृतिच० III p 469 (first half), वि र p. 150 वि वि p 40
 (reads प्रसादविक्रयान्तु) अ म p 211 and वीर० 413 (first
 half only)

725 स्मृतिच० III p 469 स वि p 104 (यस्तद्भर्ता and प्रमुस्तयो), वि
 वि 46, अ म p 211, वीर० p 412.

726-729 अपरा० p 789 (reads महादासी for अदासी च and भणदासी)

कामाप्तुं सञ्चिता यस्तु दासीं कुर्यात्कुलस्त्रियम् ।
 सक्तामयेत' धान्यत्र दण्ड्यस्तद्व्यावृत्त भवेत् ॥ ७२७ ॥
 बालधारीमदासीं च दासीमिव भुनक्ति यः ।
 परिचारकपत्नीं या प्रामुयात्पूर्वसाहसम् ॥ ७२८ ॥
 यिक्रोशमाना यो भक्ता दासीं विक्रेतुमिच्छति ।
 अनापदिस्थ शक्त सन्मायाद् द्विशतं वमम् ॥ ७२९ ॥
 तयाहमिति चात्मानं योऽस्वयन्त्र प्रयच्छति ।
 न स त प्रामुयात्काम पूर्वस्यामी लभेत् तम् ॥ ७३० ॥
 प्रमज्ज्यायसितो दासो मोक्षव्यध न केनचित् ।
 अनाकालमृतो दास्यान्मुच्यते गोयुगं वदत् ॥ ७३१ ॥

(सीमाविक्षाद)

आधिपत्यं न्यूनता चादौ अस्तिनास्तित्वमेव च ।
 भयोगमुक्तिः सीमा च पदं भूयादस्य हेतवः ॥ ७३२ ॥
 तस्मिन्भोगं प्रयोक्तव्यं सर्वसाक्षिषु तिष्ठति ।
 छेप्याकृद्भ्येतरेष्व साक्षीं मार्गद्वयान्वितः ॥ ७३३ ॥
 क्षेत्रयास्तुतदागेषु कूपोपवनसेतुषु ।
 द्वयोर्विधादे सामन्तं प्रत्यय सर्ववस्तुषु ॥ ७३४ ॥
 सामन्तभावेऽसामन्तैः कुर्यात्क्षेत्रादिनिर्णयम् ।

वि र p 154 155 (reads भुक्तं for मर्णा) वि वि 47, न म
 p 203, बीर० p 413.

780 स वि p 294, वि वि p 44 (no name) बीर० p 411 (ascribes
 to नाद)

781 च वि p 203 The two halves seem to be parts of different
 verses

782 मित्रा० on या II 160 स्थिति० III p 244 वि र p 201 (अमेने
 मुक्तिः), बीर० p. 451, अपराधं p 759

783 अपराधं p 759 वि र p 203 (स च साक्षिषु).

784 वि र p. 207

785 अपराधं p 760 बीर० p. 456 (समजमर्षाः सामन्तैः), पत. म. III, p. 207
 (reads सीमापक्षसिद्धावर्तः).

ग्रामसीमास्तु च तथा तद्व्यग्रगद्देशयो ॥७१५॥
 ग्रामो ग्रामस्य सामन्त क्षेत्र क्षेत्रस्य कीर्तितम् ।
 गृह गृहस्य निर्दिष्ट समन्तात्परिरम्य दि ॥७१६॥
 तेषामभावे सामन्तमौलपृथोर्ध्वतावय ।
 स्यादरे पद्मकारेपि नात्र कार्यं विचारणा ॥७१७॥
 सप्तकास्तव्य सामन्तास्तत्सप्तकास्तथोत्तरा ।
 सप्तकसप्तकसप्तका पञ्चाकारा प्रकीर्तिता ॥७१८॥
 स्वार्थसिद्धौ प्रदुष्येपु सामन्तेभ्यर्थागौरवात् ।
 सप्तसप्तैस्तु कर्तव्य उद्धारो नात्र सशय ॥७१९॥
 सप्तकसप्तकोपे तु तत्सप्तका प्रकीर्तिता ।
 कर्तव्या न प्रदुष्टास्तु राज्ञा धर्म विजानता ॥७२०॥
 नाशानेन हि मुच्यन्ते सामन्ता निर्णय प्रति ।
 भ्रष्टानोक्तौ दण्डयित्वा पुन सीमा विचारयेत् ।
 कीर्तिते यदि भेदः स्यादण्ड्यास्तूचमसाहसम् ॥७२१॥
 त्यक्त्वा दुष्टस्तु सामन्तानन्यान्मौलादिभि सह ।
 समिधय कारयेत्सीमामेव धर्मविदो विदुः ॥७२२॥

- 736 स्मृतिच. III p 545 वि र p 207, अपराकं p 759 बीर. p 454
 737 मिता. on या II 162, स्मृतिच. III. p 545, वि र p 206, वि वि
 p 61, बीर. p 456
 738 मिता. on या II, 162 अपराकं p 760, स्मृतिच. III. pp 537 538,
 परा मा III. p 339, वि र p 213 (reads सप्तसप्तका)
 739-740 मिता. on या II 162 अपराकं p 760 (reads सप्तसप्तके कर्तव्य)
 स्मृतिच. III p 538 (omits latter half of 740) बीर. pp
 454 55, वि र p 207
 741 मिता. on या II 163 अपराकं p 763 बीर. 450 (the two
 latter halves only) परा मा III pp 397 398 (two latter
 halves) वि र p 212
 742 मिता. on या II 163 अपराकं p 760 परा मा III p. 398,
 (समीप्य for समिधय) स्मृतिच. III. p 538 (reads समीप्य) वि
 र 208 (reads समीप्य), बीर. p 455

ये तत्र पूर्वे सामन्ता एवादेशान्तरयताः ।
तन्मूलत्वात् ते मौलाः क्षत्रिभिः सम्प्रकीर्तिता ॥७४३॥
निष्पाद्यमानैर्धृष्टैस्तत्कार्यं तृगुणान्वितैः ।
बुद्धा वा यदि वाऽपुद्गास्ते बुद्धाः परिकीर्तिता ॥७४४॥
अपभ्रवणसमोक्तकार्याः स्यान्प्राचीनविदिताः ।
उत्तरन्ति ततो यस्मादुद्धृतास्ते ततः स्मृत ॥७४५॥
सामन्ता साधनैर्धर्मनिर्णेतौ गुणान्विताः ।
त्रिगुणास्तूचराः श्रेयास्ततोऽन्ये त्रिगुणा मता ॥७४६॥
एको यद्वन्नयेत्सीमानामप्योरीक्षितं क्वचित् ।
मस्तके क्षितिमारोप्य रक्तधासाः समादिताः ॥७४७॥
भयवर्जितभूमेन सर्वोभाये स्वयंकृता ॥७४८॥
क्षेत्ररूपतद्भागानां केवापरामयोरापि ।
गृहमासादावसथनूपदेवगृहेषु च ॥७४९॥
बहूनां तु गृहीतानां न सर्वं निर्णयं यदि ।
कुर्युर्मयाद्वा लोभाद्वा दाप्यास्तूचमस्ताहसम् ॥७५०॥
सीमाचङ्क्रमणे कोरो यादस्यर्षे तथैव च ।
त्रिपक्षपक्षसत्ताह वैवराजिकमिष्यते ॥७५१॥

743-745 मिता० on या II 151 (तृगुणान्वितैः) अपराकं p 759-760
सूक्तिच० III p 539, परा मा III p 890, त वि p 834, वीर०
p 455

746 मिता० on या II 152 (निर्दोषाः सुगुणाः), अपराकं p 760, सूक्तिच०
III p 540 वि र p 208 वीर० p 456 (ascribes to मनु)

747 अपराकं p 762

748 वि र p 218

749 मिता० on या II 154 वि र p 218, वीर० p 457

750 मिता० on या II 152 अपराकं p 763 परा मा III p 891
सूक्तिच० III p 546, स्व म p 212 वीर० p 460

751 मिता० on या II 152 अपराकं p 763, सूक्तिच० III p 543 स्व
म p 212 वीर० p 463.

मेखलाभ्रमनिष्कासगवाक्षाप्रोपरोधयेत् ।
 प्रणालीं गृहवास्तुं च पीडयन्दण्डभागमेत् ॥७५२॥
 नियेशसमयादूर्ध्वं नेते योज्या कदाचन ।
 दृष्टिपातं प्रणालीं च न कुर्यात्परयेदममु ॥७५३॥
 विण्मूत्रोदकयमं च द्वादिभ्यध्रनिषेधानम् ।
 स्वरानिद्वयमुत्सृज्य परेषु व्याप्तिरेक्षयेत् ॥७५४॥
 सर्वे जना सदा येन प्रयान्ति स चतुष्पथ ।
 भ्रानिक्रयो यथाकालं राजमार्गः स उच्यते ॥७५५॥
 न तत्र रोपयेत्किन्निप्रोपह्नयान्तु केनचित् ।
 शुष्कान्नायनृपादीनां मार्गादानास्तु दण्डमाक् ॥७५६॥
 यस्तत्र संकरश्च भ्रान्मृक्षारोपणमेव च ।
 कामातपुरीषं कुर्याच्च तस्य दण्डस्तु स्थापक ॥७५७॥
 तट्टाकोद्यानतीर्थानि न्योऽमेप्येन विनाशयेत् ।
 अमेप्य शोभप्रित्वा तु दण्डयेत्पूर्वमाहसम् ॥७५८॥
 घृण्येत्सिद्धतीर्थानि स्वापितानि महारमाभि ।
 पुण्यानि पायनीयानि प्राप्नुयात्पूर्वसाहसम् ॥७५९॥

752-753 अपरार्क pp 764-765, वि र p 219 (omits the line निवेशः),
 अथ स p 223, बीर० p 463 स्मृतिच० III p 551 has 753 and
 reads दृष्टिप्राप्त

754 अपरार्क p 765 (चक च) स्मृतिच० III p 551, परा मा III p 400
 (reads त्वक च) विर प 220 (चक च), अथ स p 223, बीर० p 464

755 स्मृतिच० III p 552, वि र p 221 (reads जनपदा and यथाकाम),
 अथ स p 224, बीर० p 464 (अविधिज्ञा)

756-757 वि र 221. अपरार्क p 765 and परा मा p 401 ascribes
 757 to बृहदगीति

758-759 स्मृतिच० III p. 558, अपरार्क p 765, वि र p 222 (reads
 आवापि ज्ञापनीयानि), परा मा III p 402, अथ स p 223, बीर०
 p. 465,

सीमामध्ये तु जातानां घृक्षाणां क्षेत्रयोर्द्वयोः ।
 फलं पुष्पं च सामान्यं क्षेत्रसामिपु निर्दिशेत् ॥७६०॥
 अन्यक्षेत्रे तु जातानां शाखा यत्रान्यसंश्रिताः ॥
 स्वामितं तं विजानीयाद्यस्य क्षेत्रेषु संश्रिताः ॥७६१॥
 भस्याभ्यनुमतेनैव संस्कारं कुरुते तु यः ।
 गृहोद्यानतटाकानां संस्कर्ता लभते न तु ॥७६२॥
 ध्ययं स्वामिनि चायाते न निवेद्य नृपे यदि ।
 यथावेद्य प्रयुक्तस्तु तद्वत् लभते व्ययम् ॥७६३॥
 भक्षकितो न दद्याच्चैव खिलार्थो परकृतो व्ययः ।
 तदष्टभागहीनं तु वर्षकः कालमाप्नुयात् ॥
 वर्षाभ्यष्टौ स भोक्ता स्यात्परतः स्वामिने तु तत् ॥७६४॥
 भक्षकप्रेतनष्टेषु क्षेत्रिकेभ्यनिवारितः ।
 क्षेत्रं चेद्विकृपेत्कश्चिदश्रुयात् स तत्फलम् ॥७६५॥
 विकृप्यमाणे क्षेत्रे च क्षेत्रिकः पुनरामजेत् ।
 शूलोपचारं(खिलोपचारं) तत्सर्वं दत्त्वा क्षेत्रमवाप्नुयात् ॥७६६॥
 तदष्टभागापचयाद् यावत्सप्त गताः समा ।
 समाप्तेष्टमे वर्षे भुक्तक्षेत्रं लभेत सः ॥७६७॥
 (वाभ्यादप्यत्र)

द्वारः कासनं चैव लोके यच्च विगर्हितम् ।

अनुकुर्यादनुश्याद् वा न्पारुष्यं तदुच्यते ॥७६८॥

760-761 अपरार्क p 766 (reads संश्रिताः for संश्रिताः in both lines),
 स्मृतिव० III p 555, परा मा. III p. 404, वि र. p. 229, अ. म.
 p 225, वीर० p 417 (reads यस्य क्षेत्रस्य)

762-763 अपरार्क p. 767 (reads देयं स्वामिनि and लभते फलम्),
 स्मृतिव० III, p 558, वि र p. 225 (reads देयं स्वामिनि), परा.
 मा. III. p 407, स वि p 340 (has only 762)

764 अपरार्क p 763 (reads खिलाय च कृतं व्ययं and व्ययं कृतम्),
 स्मृतिव० III, 560, परा मा. III p 409, वि वि p 65, वीर० p.
 470, स. वि p. 340

765-767 स. वि. p. 340 परा. मा. (III, pp. 408-409) and स्मृतिव० III,
 p. 560 ascribe 765-766 to गारद.

768 अपरार्क p. 805, स्मृतिव० III. p. 18.

निष्ठुपान्नलितवित्वात्तदपि त्रिविधं स्मृतम्
 आक्षेपो निष्ठुं हेयमन्लिलं न्यङ्गसंमितम् ।
 पतनीषेयपाक्रोशैस्तीव्रमाहुर्मनीषिणः ॥७६९॥
 यस्यसत्संश्रितैरङ्गैः परमाक्षिपति कश्चित् ।
 अमृतैर्वाय मृतैर्वा निष्ठुता पाक्कृता बुधैः ॥७७०॥
 न्यग्भावकरणं धात्वा श्रोघात्तु कुरुते यदा ।
 वृत्तदेशकुलादीनामन्नीला सा बुधैः स्मृता ॥७७१॥
 महापातकयोक्त्री च रागद्वेषकरी च या ।
 जातिभ्रंशकरी याच तीमा सा प्रथिता तु वाक् ॥७७२॥
 योऽगुणान्कीर्तयेत्क्रोधाधिगुणे वा गुणशताम् ।
 अन्यसंज्ञानुयोगी वा वाग्बुद्धं तं नरं विदुः ॥७७३॥
 अतुष्टस्यैव यो दोषान्कीर्तयेदोषकारणात् ।
 अन्यापदेशवादी च वाग्बुद्धं तं नरं विदुः ॥७७४॥
 मोहात् प्रमादात्सङ्कर्षात् प्रीत्या चोक्तं मयेति यत् ।
 नाहमेवंपुनर्वक्ष्ये दण्डार्थं तस्य कल्पयेत् ॥७७५॥
 यत्र स्यात्परिहासार्थं पतितस्तेन (पतितत्वेन ?) कीर्तनम् ।
 धवनात्तत्र न स्यात्तु दोषो यत्र विमाद्ययेत् ॥७७६॥
 अन्यथा तुल्यदोषः स्यान्मिथ्योक्तौ नूतनः स्मृतः ॥ ७७७ ॥

769 अपराकं p. 805.

770-772 अपराकं pp. 805-806 (reads न्यङ्गावगूणं and राजद्वेष for राज
 द्वेष), स्मृतिच० III. pp. 12-13 (reads अङ्गैः and बुधैर्देश), परा. मा.
 III. p. 429 (reads परमाक्षिपति, अमृतैर्वाय मृतैर्वा and बुधैर्देश)
 -वि. र. p. 243 (reads न्यङ्गावगूणं वात्वा), वीर० p. 482.

773 वि. र. p. 244 and वीर० p. 484 (reads अन्यसंज्ञानियोगी).

774 वि. र. p. 245 ; स्मृतिच० III. p. 760 ascribes to नरद (and reads
 -दुष्टस्यैव बु).

775 वि. र. p. 246 and वि. वि. p. 70 (ascribe to उच्यन्तस् and कात्यायन)
 -स्मृतिच० III; p. 769 and व्य. म. p. 229 ascribes to उच्यन्तस्.

776 स्मृतिच० III. p. 760, वि. र. p. 258, वीर० p. 484.

777 वि. p. 258.

महता प्रणिधानेन यादुष्टं साधयेद्यत् ।
 अतप्यं भावितं राजा मयनेन विचारयेत् ॥ ७७८ ॥
 अनुताक्यान्शीलानां जिह्वाच्छेदो विशोधनम् ॥ ७७८ ॥
 (दण्डपादपम्)
 हेत्यादिभिर्न पश्येद्येहृण्डपादप्यकारणम् ।
 तत्र स्नादिकृतं चैव दिव्यं वा विनियोजयेत् ॥ ७७९ ॥
 आमीपणेन दण्डेन ग्रहरेचस्तु मानवः ।
 पूर्वं चापीडितो वाथ स दण्डयः परिकीर्तितः ॥ ७८० ॥
 कर्णौष्ठप्राणपादाक्षिजिह्वाशिश्नकरस्य च ।
 छेदने चोत्तमो दण्डो भेदने मध्यमो मृगुः ॥ ७८१ ॥
 मनुष्याणां पशूनां च दुःस्वाय ग्रहते सति ।
 यथा यथा मवेद् दुःखं दण्डं कुर्यात्तथा तथा ॥ ७८२ ॥
 अस्पृश्यधूर्तदासानां श्लेष्छानां पापकारिणाम् ।
 प्रतिशोभप्रसूतानां ताडनं नार्थते दमः ॥ ७८३ ॥
 छर्विमूलपुसीपायैरापायः स चतुर्गुणः ।
 पङ्गुणः कायमध्ये स्यान्मूर्ध्नि त्यष्टगुणः स्मृतः ॥ ७८४ ॥
 उग्ररूपे तु हस्तस्य कायो द्वादशको दमः ।
 स एव द्विगुणः प्रोक्तः पातनेषु स्वजातिषु ॥ ७८५ ॥

- 778 वि. र. p. 258, वीर. p. 488 (last half).
 779 अपराक p. 811, वि. र. p. 274, वि. वि. p. 77, वीर. pp. 481-82.
 780 अपराक p. 812, परा. मा. III. p. 412 (reads अमीपणेन), वि. र. p. 276, वि. वि. p. 77.
 781 अपराक p. 815 (no author named, reads पुर for मृगुः), स्पृष्टिच. III. p. 762, वि. र. p. 265 (reads 'प्राणनासाक्षि'), परा. मा. III. p. (पाशदिजिह्वाज(साक्षरस्य), वि. वि. p. 74, अ. म. p. 230, वीर. p. 474.
 782 परा. मा. III. p. 417, वीर. p. 475 (reads यथा महतां दुःखं)
 783 अपराक p. 813, वि. र. p. 278, वि. वि. p. 78.
 784 अपराक p. 813, परा. मा. III. p. 413 (reads 'दी. पादादो च'), वि. र. p. 262, वि. वि. p. 72, अ. म. p. 230, वीर. p. 475 ('दी. स्वर्णेने च')
 785 वि. र. p. 262 (reads स्वजातिषु), परा. मा. III. p. 414, वि. वि. p. 78, वीर. p. 478.

वाक्पादध्ये यथैषोक्ताः प्रातिलोभ्यानुलोमतः ।
 तथैव दण्डपादध्ये पात्या दण्डा यथाक्रमम् ॥७८६॥
 देहेन्द्रियविनाशे तु यथा दण्डं प्रकल्पयेत् ।
 तथा तुष्टिकरं देयं समुत्थानं च पण्डितैः ॥
 समुत्थानव्ययं चासौ दद्यादाग्रणरोपणात् ॥७८७॥
 पाददण्डस्ताडनं चैव येषूक्तमपराधिषु ।
 हृतं भग्नं प्रदाप्यास्ते शोष्यं निःस्येस्तु कर्मणा ॥७८८॥
 धान्तांस्तृपातान्शुचिदानकाले पाहयेन्नरः ।
 खरगोमहिषोष्ठादीन्प्रामुयात्पूर्वसाहसम् ॥७८९॥
 द्विपणो द्वादशपणो वधे तु मृगपक्षिणाम् ।
 सर्पमार्जारनकुलश्वखरकरघे नृणाम् ॥७९०॥
 गोकुमारीविचपशुमुक्ष्माणं वृषभं तथा ।
 बाह्वयन् साहसं पूर्वं प्रामुयादुत्तमं यधः ॥७९१॥
 प्रमापणे प्राणभृतां वचात्तत्प्रतिरूपकम् ।
 तस्यानुरूपं मूल्यं वा दद्यादित्यब्रवीन्मनुः ॥७९२॥
 वनस्पतीनां सर्वेषामुपभोगो यथा यथा ।
 तथा तथा दमः फार्यो हिंसायामिति धारणा ॥७९३॥
 शिष्यं कोधेन हन्याम्येवाचार्यो सतया विना ।
 येनात्पर्यं भवेत्पीडा वादः स्याच्छिष्यतः पितुः ॥७९४॥

- 786 स्मृतिच० III, p. 762, पर. मा. III, p. 418, वि. र. p. 269, स. वि. p. 481, व्य. म. p. 231, वीर० p. 476.
 787 स्मृतिच० III, p. 765, अपराकै p. 816, पर. मा. III, pp. 419-420, व्य. म. p. 232, वीर० pp. 476-77.
 788 अपराकै p. 816, वि. र. p. 270.
 789 अपराकै p. 818, वि. र. p. 280.
 790 पर. मा. III, p. 424, वि. र. p. 279 (reads विपणो), वीर० p. 479 (reads नकुलशुक्रावधे).
 791 वीर० p. 470, पर. मा. III, p. 424 (पशुपशव्यं कुपमं sand वधे) ascribes to मनु.
 792 पर. मा. III, p. 425, वि. र. p. 284 (प्रतिरूपं तु दापयेत्).
 793 वि. र० p. 284
 794 स्मृतिच० III, p. 2

(साहसम्)

सहसा यत्कृतं कर्म तत्साहसमुदाहृतम् ॥७९५॥
 सान्धयस्त्वपहारे यः प्रसह्य हरणं च यत् ।
 साहसं च भवेद्देवं स्तेयमुक्तं विनिर्द्भवः ॥७९६॥
 विना विद्वैस्तु यत्कार्यं साहसादप्यं प्रयतते ।
 शपथैः स विशोध्य स्यात्सर्वचन्द्रेष्वयं विधिः ॥७९७॥
 एकं चेद्बहवो हन्तुः संख्याः पुरुषं नराः ।
 भर्मघातो तु यस्तेषां स घातक इति स्मृतः ॥७९८॥
 व्यापादनेन तत्कारी वधं चित्रमयामुयात् ।
 विनाशहेतुमायान्तं हन्यादेवायिचारयत् ॥७९९॥
 उद्यतानां तु पापानां हन्तुर्दोषो न विद्यते ।
 निवृत्तास्तु यदारम्भाद् ग्रहणं न वधः स्मृतः ॥८००॥
 आततायिनि चोत्कृष्टे तपस्याभ्यायजन्मतः ।
 वधस्तत्र तु नैव स्यात्पापे हीने वधो भृगुः ॥८०१॥
 उद्यतासिपिपात्रिश्च चापोद्यतकरस्तथा ।
 आथर्वणेन हन्ता च पिशुनश्चैव राजनि ॥८०२॥
 भार्याविक्रमकारी च रन्धान्वेषणतत्परः ।
 एवमाद्यान्विज्ञानीयात्सर्वानेवाततायिनः ॥८०३॥
 यशोवृत्तहरान्पापानाहुर्धर्मार्थहारकान् ।
 अनाक्षारितपूर्वो यस्त्वपराधे प्रवर्तते ॥
 प्राणद्रव्यापहारे च तं विद्यादाततायिनम् ॥८०४॥

795 स. वि. p. 451.

796 स्मृतिच. III. p. 733, वि. र. p. 287 (reads सान्धयस्तु ग्रहणं), स. वि. p. 457 (reads विनिर्द्भवे).

797 स्मृतिच. III. p. 722, परा. मा. III. 453.

798 स्मृतिच. III. p. 723, परा. मा. III. p. 454, वीर. p. 501.

799 वि. र. p. 371 (first half only), स्मृतिच. III. p. 727 (latter half only), the two halves are parts of different verses.

800 स्मृतिच. III. p. 729

801 स्मृतिच. III. p. 730, अ. म. p. 230.

802-803 स्मृतिच. III. p. 731, अ. म. p. 241.

804 स्मृतिच. III. p. 731.

नरिणां शृङ्गिणां चैव दंष्ट्रिणां चाततायिनाम् ।
 हस्त्यश्वानां तथान्येषां यद्ये हन्ता न दोषभाक् ॥८०९॥
 गर्भस्य पातने स्तेनो ग्राहण्यां शस्त्रपातने ।
 अदुष्टां योषितं हत्वा हन्तव्यो ग्राहणोपि हि ॥८१०॥
 क्षतं भद्रोपमर्दां च कुर्याद्द्रव्येषु यो नरः ।
 ग्रामुयात्साहसं पूर्वं द्रव्यभाक्स्याम्युदाहृतः ॥८११॥
 धेरेद्भिन्वाद्देहापि देवानां प्रतिमां यदि ।
 तद्गृहं चैव यो भिन्वात्ग्रामुयात्पूर्वसाहसम् ॥८१२॥
 प्राकारं भेदयेद्यस्तु पातयेच्छातयेत्तथा ।
 बन्नीयात्प्रमसो मार्गे ग्रामुयात्पूर्वसाहसम् ॥८१३॥

(स्तेयम्)

प्रच्छन्नं वा प्रकाशं वा निशायामथवा विद्या ।
 यत्परद्रव्यहरणं स्तेयं तत्परिकीर्तितम् ॥८१०॥
 अन्यहस्तात्परिभ्रष्टप्रकामादुद्धृतं भुवि ।
 घोरिणं वा परिक्षिप्तं लोप्त्रं यत्नात्परीक्षयेत् ॥८११॥
 तुल्यमानप्रतिमानप्रतिरूपफलक्षितैः ।
 चरत्फलक्षितैर्वापि ग्रामुयात्पूर्वसाहसम् ॥८१२॥
 गृहे तु मुषितं राज्ञा श्रीरमादांस्तु दापयेत् ।
 आरक्षकांश्च दिक्पालान्यदि श्रीरो न लभ्यते ॥८१३॥

808 स्मृतिच. III. p. 782.

809 विषय on या II. 281.

807 अपराकं p. 820, वि. र. p. 853, वि. वि. pp. 97-98.

808 अपराकं p. 822, स्मृतिच. III. p. 767, वि. र. p. 364, वि. वि. p. 301 (reads भिन्वात् for भिन्वात्), स. वि. p. 474.

809 वि. र. p. 367.

810 दापयाम p. 224

811 अपराकं p. 841, मिता. on या II. 248 (ascribes to नारद), वि. र. p. 337, पत्रा. मा. III. p. 457 (ascribes to नारद).

812 वि. र. p. 295, वि. वि. p. 80.

813-814 अपराकं p. 844 (reads अरक्षकात्), वि. र. 843, 845 (reads

प्रामात्ये हृतं ब्रह्मं प्रामाध्यक्षं प्रदापयेत् ।
 विधीते स्नामिना देयं चौरौद्धर्ताविधीतके ॥८१४॥
 स्वदेशे यस्य यत्किञ्चिद्भूतं देयं नृपेण तु ।
 गृहीयात्तत्स्वयं मष्टं प्राप्तमन्विष्य पार्थिव ॥८१५॥
 चौरैर्हृतं प्रयत्नेन स्वरूपं प्रतिपादयेत् ।
 नदभावे तु मूष्य स्याद्वन्वया किञ्चिदपी नृप ॥८१६॥
 लब्धेऽपि चौरैः यदि तु मोषस्तस्मात् लभ्यते ।
 दद्यात्तमथवा चौरं दापयेत्तु यथेष्टत ॥८१७॥
 तस्मिन्नेवाप्यमानानां भवेदोपे तु संशयः ।
 मुपितं दापयेत् दाप्यो वन्धुभिर्वा विशेषयेत् ॥८१८॥
 यस्मादपहृताल्लब्धं द्रव्यात्स्वस्य तु स्नामिना ।
 तच्छेषमाप्नुयात्तस्मात्प्रत्यये स्नामिना कृते ॥८१९॥
 स्वदेशपातिनो ये स्युस्तथा मार्गनिरोधकाः ।
 तेषां सर्वस्वमादाय राजा शूले निवेशयेत् ॥८२०॥
 अचौरादापितं ब्रह्मं चौरान्वेषणतत्परैः ।
 उपलब्धे लभेरंस्ते द्विगुणं तत्र दापयेत् ॥८२१॥
 येन येन परद्रोहं करोत्यङ्गेन तत्करः ।
 सिन्ध्यादङ्गं नृपस्तस्य न करोति यथा पुनः ॥८२२॥
 अपुणे वारुणे द्वे तु पञ्चाश्र पञ्चदाडिमम् ।
 खड्गैरवदरादीनां मुष्टिं गृह्णन् दुष्यति ॥८२३॥
 मानवाः सद्यः पयाहुः सहोदनां प्रयासतम् ।
 गौतमानामनिष्टं पतन्नाण्युच्छेदाद्विगर्हितम् ॥८२४॥

प्राप्तापेय and त्वीतक) वि वि pp 94 95 (reads प्राप्तापेय and चौरौ
 दत्ता विधीतके)

816-817 अपराकं p 844, वि र p 345 (reads नर. for नृप), वि वि
 p 95 (has 815 818)

818-819 अपराकं p 844 वि र p 345-348 (ascribes them to इन्द्रमनु)

820 अपराकं p 845 वि र p 317 (ascribes to नरद and बालाम्ब)

821 वि र, p 338

822 अपराकं p 845 (reads कलावेन) वि र p 329 वि वि p 91

823 A गृहपरत्ताकर (attributed to गृहपति and कात्यायन),

828 वि र p 332

सहोदमसहोदं वा तत्स्वागमितसाहसम्
 प्रगृह्याच्छिन्नमायेद्य सयस्यैर्विप्रयोजयेत् ॥८२४॥
 भयसन्धानगुतास्तु मन्दभक्ता यलान्विताः ।
 कुर्युः कर्माणि नृपतेरामृत्योरिति कौशिक ॥८२५॥
 पक्षेऽश्वधृतं द्रव्यं घेदेदयेन यदा भवेत् ।
 गृहीत्वा तस्य तद्द्रव्यमदण्डं तं विसर्जयेत् ॥८२६॥
 चोराणां भक्तदा ये स्युस्तथाग्युदकवायकाः ।
 प्रेतारश्चैव भाण्डानां प्रतिग्राहिण एव च ॥
 समदण्डाः स्मृता होते ये च प्रच्छादयन्ति तान् ॥८२७॥
 अविद्वान्याजको वा स्यात्प्रयका चानयस्थितः ।
 तावुभौ चोरदण्डेन विनीय स्थापयेत्तथि ॥८२८॥
 (श्रीसंग्रहम्)
 दूतोपचार्युकधेद्वेलास्थानसंस्थितिः ।
 कण्डकेशाञ्चलप्रादः कर्णनासाकरादिषु ।
 एकस्यानासनाहाराः संग्रहो नवधा स्मृतः ॥८२९॥
 स्त्रीषु पृत्तोपभोगः स्यात्प्रमत्त पुरुषे यदा ।
 यद्ये तत्र प्रवर्तेत वार्यातिक्रमणं हि तत् ॥८३०॥
 कामार्ता स्त्रीरिणी वा तु स्वयमेव प्रकामयेत् ।
 राजादेशेन मोक्षय्या विख्याप्य जनतंनिघौ ॥८३१॥

824 अपराकं 849, वि. र. p. 332 (reads प्रगृह्य निहमनेद्य ..विप्रियोजयेत्),
 वि. वि. p. 92 (reads सयस्येन विप्रियोजयेत्)

825 अपराकं p. 849, वि. र. p. 332, वि. वि. p. 92 (reads मन्दभक्त-
 गुणान्विताः)

826 अपराकं p. 849, वि. र. p. 333 (reads स्ववेदोप' सहाहेरत्)

827 पक्ष मा. III p. 446, वि. र. p. 340, वि. वि. 93 (reads
 केदारयोश्चाण्डानां and has last two halves only), वीर p. 498.

828 विश्वरूप on वा. III, 252

829 स्पष्टिच- III pp. 17-18

830 स्पष्टिच- III p. 742, ख. म. p. 244 (reads दूतोपभोगः),
 वीर p. 504

831 अपराकं p. 860.

आरम्भकृत्सहायश्च तथा मार्गानुदेशक ।
 आश्रय शस्त्रदाता च भक्तदाता विकर्मिणाम् ॥८३२॥
 युज्योपदेशकश्चैव तद्विनाशप्रदर्शक ।
 उपेक्षाकार्ययुक्तश्च दोषवन्मनुमोदक ॥८३३॥
 अनिपेक्षाक्षमो य स्यात्सर्वे तत्कार्यकारिण ।
 यथाशक्त्यनुरूप तु दण्डमेवा प्रकल्पयेत् ॥८३४॥
 (बीपुधर्म)

पत्या चाप्यवियोगिन्या शुभ्रूपाग्निर्विनीतया ।
 सौभाग्यवद्वैवर्त्यकाम्यया भर्तुर्भक्तया ॥८३५॥
 पतिशुभ्रपथेव ह्य सूर्यान्कानां समञ्जते ।
 दिव पुनरिहायाता सुखानां शेषधिर्भवत् ॥८३६॥
 मृते भर्तरि या साध्वी ब्रह्मवर्णे व्यवस्थिता ।
 सारुधतीसमाचारा ब्रह्मलोकं महीयते ॥८३७॥
 (दशविभाग)

सकल द्रव्यजात यद्भागैर्गुणन्ति तत्समै ।
 पितरो भ्रातरश्चैव विभागे धर्म्य उच्यते ॥८३८॥
 पैतामह समान स्यात्पितु पुत्रस्य चोभयो ।
 स्वय चोपाजित पित्रा न पुत्र स्वाभ्यमर्हति ॥८३९॥
 पैतामह च पित्र्य च यच्चाभ्यस्वयमर्जितम् ।
 दायादानां विभागे तु सर्वमेतद्विभज्यते ॥८४०॥

832 834 अपरक p 821 (एकवचनस्य) परा मा III p 456
 (reads धर्मोपदेशक तद्विनाशप्रवर्तक वचनमोदक) वि र p 375
 (reads दापवक्तानु) वि वि p 107 (युक्त्योपदेशकश्चैव तथा नाश
 प्रवर्तक and दापवक्तानु) स वि p 464 (omits the 1 no अनि
 वेदां &c) वीर० p 501 (reads दोषवक्तानुदेशक and दोषवक्तानुमोदक)
 स्मृत्यव० III pp 723-724 seems to attribute 832-833 to
 बुद्धरति and cites 834 as स्मृत्यवतर

885-887 स्मृतिच० III p 589 591 596

838 स्मृतिच० III p 606 स वि p 354, अथ स p 98 वीर० p 571
 (reads पितरो)

889 स्मृतिच० III pp 648 and 650

840 दशविभाग p 105 स्मृतिच० III p 635 परा मा III p. 558,
 स वि p 367, वि वि p 134 वि र 496

दृश्यमानं विभज्येत गृहं क्षेत्रं चतुष्पदम् ।
 गृहद्रव्यामिश्राणां प्रत्ययस्तथ कीर्तितः ॥८४१॥
 गृहोपस्कराद्याश्च दोह्याभरणकर्मिणः ।
 दृश्यमाना विभज्यन्ते कौशं गृहैर्गर्वाद्भुगुः ॥८४२॥
 जीवद्विभागे तु पिता नैकं पुत्रं विशेषयेत् ।
 निर्माजयेत्तत्रैकैकमकस्मात्कारणं विना ॥८४३॥
 संप्राप्तव्यवहाराणां विभागश्च विधीयते ।
 पुंसां च पौंडरो पयं जायते व्यवहारिता ॥८४४॥
 अप्राप्तव्यवहाराणां च धनं व्ययविधजितम् ।
 न्यसेयुर्वन्धुमित्रेषु प्रोपितानां तथैव च ॥८४५॥
 प्रोपितस्य तु यो भागो रक्षेयुः सर्वं एव तम् ।
 बालपुत्रे मृते रिपयं रक्ष्यं तत्तन्तुवन्धुभिः (रक्षितव्यं तु बन्धुभिः^१)
 पौगण्डाः वस्तस्तं तु विभजेरन् यथांशतः ॥८४५॥ अ
 भ्रात्रा पितृव्यमातृभ्यां कुटुम्बार्थमृणं कृतम् ।
 विमागकाले देयं तद्विधिभिः सर्वमेव तु ॥८४६॥
 तदणं धनिने देयं नान्यथैव प्रदापयेत् ।
 भादितं चेत्प्रमाणेन विरोधात्परतो यदा ॥८४७॥
 धर्मार्थं प्रीतिदत्तं च यदणं स्वाश्रियोजितम् ।
 तद् दृश्यमानं विभजेत्त दानं पैशुकादनात् ॥८४८॥

841 अपराधं p. 723, स्मृतिच० III p. 645 (first half) and p. 636 (latter half), वि. र. p. 498

842 अपराधं p. 723 (reads = कर्मणः, दृश्यमानं विमाज्यं तु), स्मृतिच० III. p. 635, पट. मा. III p. 657, वि. र. p. 498,

843 बीर० p. 559, दायमाण p. 56.

844 अपराधं p. 722.

845 दायमाण p. 62, बीर० p. 587.

845 A वि. र. p. 599.

846 अपराधं p. 722, इदं on भा. ध. ध. II. 6. 14 1, स्मृतिच० III. p. 616, अ. म. p. 122, व वि. प. 356, वि. र. 496.

847 अपराधं p. 722, वि. र. p. 497.

848 स्मृतिच० III. p. 617, अपराधं p. 723 and व. वि. p. 356, वि. र. p. 497 (read स्वश्रियोजितम्).

उत्पथे चौरसे पुत्रे चतुर्थीशहरा सुता ।
 सवर्णा असवर्णास्तु प्रासाच्छादनमाजना ॥८५७॥
 कन्यकानां त्वदत्तानां चतुर्थो भाग इष्यते ।
 पुत्राणां तु त्रयो भागा स्तार्यं त्वत्पथने स्मृतम् ॥८५८॥
 क्षेत्रिकस्य मतेनापि फलमुत्पादयेत्तु यः ।
 तस्येह भागिनौ तौ तु न फलं हि विनैकतः ॥८५९॥
 स्त्रीय विहाय पतितं यः पुनर्लभते पतिम् ।
 तस्या पौनर्भवो जातो व्यक्तमुत्पादकस्य स ॥८६०॥
 न भूयं फेनिलं यस्य विष्टा चाप्सु निमज्जति ।
 भेदूषोन्मादशुक्लाभ्यां हीन इव स उच्यते ॥८६१॥
 अक्रमोदासुतश्चैव सगोत्राद्यस्तु जायते ।
 प्रव्रज्यावसितश्चैव न रिपथ तेषु चार्हति ॥८६२॥
 अक्रमोदासुतस्तृतीयः सवर्णश्च यदा पितुः ।
 असवर्णप्रसूतश्च क्रमोदायां च यो भवेत् ॥८६३॥
 प्रतिलोमप्रसूता या तस्या पुत्रो न रिप्यमाद् ।
 प्रासाच्छादनमत्यन्तं देयं तद्वन्धुमिर्मतम् ॥८६४॥

857 मिता० on या II 132, अपरार्क p 733, परा मा III p 515, स वि p 893, वि वि p 150 (reads तृतीयाशहरा and •च्छादनमाजिन),
 वीर० p 615, दावमाण p 148 (reads तृतीयाशहरा and माजिन
 for माजना), नद पा p 658

858 दावमाण p 69, स्मृतिच० III p 626, वीर० p 582, वि र
 p 494

859-60 वीर० pp 604, 608, वि र 564 (has 860 only) वि र p
 557 has a verse similar to 859, which it ascribes to
 नारद and कात्यायन It is क्षेत्रिकानुमते बीज यस्य क्षेत्रे प्रजायते । तदप्यत्र
 तयोरेव वीजक्षेत्रिकयोर्मतम् ॥

861 दावमाण p 102

862 दावमाण 103 अपरार्क p 760, स्मृतिच० III p 630, परा मा. III
 p 546, अथ न. p. 163, वि वि p 183, वीर० p 712,
 वि र p 491

863-864 दावमाण p 103 (reads प्रतिलोमप्रसूते य and प्रासाच्छादनमाजिन),
 अथ न p 164, वीर० p 712, वि र p 491, वि वि p. 134
 (has 863).

बन्धूनामप्यभाये तु पितृद्रव्यं न दद्यात् ।
अपित्र्यं द्रविणं प्राप्त दापनीया न बान्धवा ॥८१५॥

(अविभाष्यादि)

स्वराकत्यापहतं नष्ट स्वयमाप्तं च यद्भवेत् ।
एतत्सर्वं पिता पुत्रैर्विभागे नैव दाप्यते ॥८१६॥
परमकोपयोगेन विद्या प्राप्ता न्यतस्तु या ।
तया प्राप्त धन यत्तु विद्याप्राप्तं तदुच्यते ॥८१७॥
उपन्यस्ते तु यल्लब्धं विद्यया पणपूर्वकम् ।
विद्याधनं तु तद्विद्याद्विभागे न विभज्यते ॥८१८॥
शिष्यादाव्विज्यतः प्रज्ञात् सदिग्धश्च निर्णयात् ।
स्वज्ञानशतनाम्नादाहल्लब्धं प्राप्ययनाद्य यत् ॥
विद्याधनं तु तदप्राहुर्विभागे न विभज्यते ॥ ८१९ ॥
शिष्यिष्यपि हि धर्मोऽयं मृत्याद्यद्याधिकं भवेत् ॥ ८२० ॥
परं निरस्य यल्लब्धं विद्यातो घृतपूर्वकम् ।
विद्याधनं तु तद्विद्याद्य विभाज्यं बृहस्पतिः ॥ ८२१ ॥
विद्याप्रतिष्ठाया लब्धं शिष्यादाप्तं च यद्भवेत् ।
श्रुतिद्वन्यायेन यल्लब्धमेतद्विद्याधनं भृगुः ॥ ८२२ ॥

866 स्मृतिच. III. p 632, दायभाग p 103 (reads स्वपित्र्यं तदन),
वीर. p. 712 (reads स्वपित्र्यं तदन प्राप्त), वि. र p 491
(अपित्र्यं तदन)

866 अपराधे p. 728, स्मृतिच. III. p 651, परा मा III p. 498
(reads = हत दण्ड)

867 मिता. on य¹ II 118-119, अपराधे p 724, इरदण on भाव य व
II 6 14 1, दुष्टक on मनु 9 206, स्मृतिच. III p. 637, परा मा
III p 659, मर यो p 685

868-870 दायभाग pp 122-123 (reads शिष्येऽपि), अपराधे p 724,
परा. मा III p 559, वि. र 602 (reads परमकोपयोगेन and
शिष्येऽपि), वि. वि p 196 उ वि p 868, दुष्टक on मनु 9 206
(has 868-69), स्मृतिच. III p 637

871-872 अपराधे p 724, वि. र p 602, स्मृतिच. III p. 637, परा मा
III. p. 559 (reads विद्यातोऽनुपूर्वकम् and has only 871),
मृ य p. 125, दायभाग p. 123 (has 871 only) The परा मा,
स्मृतिच. and मृ य read 870 after 872.

विद्याबलकृतं चैव याग्यत-शिष्यतस्तथा ।
 एतद्विद्याघनं प्राहुः सामान्यं यदतोऽन्यथा ॥ ८७३ ॥
 कुले विनीतविद्यानां भ्रातॄणां पितृतोषि वा ।
 शौर्यप्राप्तं तु यद्विन्नं विमाज्यं तद्वृद्धस्वतिः ॥ ८७४ ॥
 नाविद्यानां तु दैत्येन देयं विजायनात्कचित् ।
 समाविद्य भिक्षानां तु देयं दैत्येन तद्धनम् ॥ ८७५ ॥
 आरुह्य संशयं यत्र प्रसक्तं कामं कुर्यते ।
 तस्मिन्कर्मणि तुष्टेन प्रसादः स्वामिना कृतः ॥
 तत्र लभ्यं तु यत्किञ्चित् धनं शौर्येण तद्भवेत् ॥ ८७६ ॥
 शौर्यप्राप्तं विद्यया च स्त्रीधनं चैव यस्मृतम् ।
 एतत्सर्वं विमागे तु विमाज्यं नैव रिक्थिभिः ॥ ८७७ ॥
 ध्वजादृतं भवेद्यस्तु विमाज्यं नैव तस्मृतम् ।
 संग्रामादादृतं यन्तु विद्राव्य द्विपतां यलम् ।
 स्वाम्यर्थे जीयितं त्यक्त्वा तद्व्यजादृतमुच्यते ॥ ८७८ ॥
 यल्लभ्यं दानकाले तु स्वजात्या कन्यया सह ।
 कन्यागतं तु तद्विन्नं शुद्धं वृद्धिकरं स्मृतम् ॥ ८७९ ॥
 घेदादिकं तु तद्विद्याद्धार्यया यत्सदागतम् ।
 धनमेवंविधं सर्वं विज्ञेयं धर्मसाधकम् ॥ ८८० ॥

873 अपराकं p. 724 (reads विद्यापणकृतं चैव), स्मृतिच. III, p. 687, परा. मा. III, p. 659, वि. र. p. 502 (reads विद्यापणकृतं चैव).

874 स्मृतिच. III p. 638-39, परा. मा. III, p. 660, व्य. म. p. 126, वि. वि. p. 136.

875 अपराकं p. 725, स्मृतिच. III, p. 639, दावभाग p. 108, व्य. म. p. 126, वि. वि. p. 136, वि. र. p. 500, इदं on मा. च. सू. II, 6-14-1.

876 अपराकं p. 725, स्मृतिच. III, p. 639-40, दावभाग p. 126, व्य. म. p. 127, वि. वि. p. 137.

877 परा. मा. III, p. 641

878 अपराकं p. 725, दावभाग p. 126, स्मृतिच. III, p. 640, परा. मा. III, p. 661, व्य. म. p. 127, वि. वि. p. 137.

879-880 अपराकं pp. 723-724 (reads तद्विद्याद्विद्याद्विद्या for दानकाले and वृद्धि-
 करं for वृद्धिकरं), स्मृतिच. III pp. 640-641, वि. वि. p. 137, व्य. म. p. 128 (reads दानकाले)

वियाहकाले यत्किंचिद्वरायोदिश्य दीयते ।
 कन्यायास्तद्धनं सर्वमधिमात्रं च बन्धुभिः ॥ ८८१ ॥
 धनं पत्रनिविष्टं तु धर्मार्थं च निरूपितम् ।
 उदकं चैव दासश्च निबन्धो यः क्रमागतः ॥ ८८२ ॥
 धृतं वस्त्रमलंकारो नात्ररूपं तु यद्भवेत् ।
 यथा कालोपयोग्यानि तथा योग्यानि बन्धुभिः ॥ ८८३ ॥
 गोमचारश्च रक्षा च दलं यथाहयोजितम् ।
 प्रयोज्यं न विभज्येत धर्मार्थं च बृहस्पतिः ॥ ८८४ ॥
 देशस्य जातेः सङ्गस्य धर्मो ग्रामस्य यो मृगुः ।
 उदितः स्यात् स तेनैव दायभागं प्रकल्पयेत् ॥ ८८५ ॥
 (प्रच्छादितविषस्य पुनरिगामः)
 मच्छादितं यदि धनं पुनरासाद्य तत्समम् ।
 भजेरन्ध्रादुभिः सार्धमभावे हि पितुः सुताः ॥ ८८५ ॥
 अन्योन्यापहतं द्रव्यं दुर्विभक्तं च यद्भवेत् ।
 पश्चादशतं विभज्येत समभागेन तद्भृगुः ॥ ८८६ ॥
 विमकेनेव यत्प्राप्तं धनं तस्यैव तद्भवेत् ।
 हतं नष्टं च यल्लब्धं प्रागुक्तं च पुनर्भजेत् ॥ ८८७ ॥
 बन्धुनापहतं द्रव्यं दादाश्रेयः प्रदापयेत् ।
 बन्धूनामविभक्तानां भागं नैव प्रदापयेत् ॥ ८८८ ॥

881 अपरार्क p 751 (without name), स्मृतिच० III p 641.

882-884 अपरार्क pp. 725-726 (reads दासश्च for दासश्च), ग्य. म. p. 131 (has 882-883), दायभाग has 884 and reads रक्षा for रक्षा, प्राक्तेज्यं for प्रयोज्य and शिरगार्थं for धर्मार्थं, वि र. pp. 504-505 (दासश्च for दासश्च and शिरगार्थं)

884 & वि र. p 505

885-887 अपरार्क pp 732-733 (has 885, first half of 886 and) latter half of 887), स्मृतिच० III pp 714-715 (has all three), दायभाग p 221 (has 885-886 and reads मच्छादितं तु यदेन पुनरापद्य and अभावेति हि तत्पुत्रा.) वि. वि. p. 132 (has 885-886 and reads as दायभाग does), म. वि pp 438-439 (has all three), वि र. p. 526.

888 दायभाग p 222, वि वि. p. 144 (latter half), वीर० p. 707, वि. र. p 526

(बहो कालदधि दद्यात्तद्विनाशः)

क्षेपं साधारणं त्यज्त्वा योन्यदेशं समाधित ।
तद्विषयस्यागतस्यांशः प्रदातव्यो न संशयः ॥ ८८९ ॥
चृतीयः पञ्चमो वापि सप्तमश्चापि यो भवेत् ।
जन्मनामपरिहाने लभेतांशं क्रमागतम् ॥ ८९० ॥
यं परंपरया मौला सामन्ता स्यामिन्नं विदुः ।
तदन्यथस्यागतस्य दातव्या गोत्रजैर्मही ॥ ८९१ ॥
विभक्ता पित्र्यविच्छेदरूपं प्रतिवासिनः ।
विभजेषु पुनर्द्वयं स लभेतोदयो यतः ॥ ८९२ ॥

(विभक्तविहारी)

यत्सेयुर्दश वर्षाणि पूयन्धर्मा पूयन्क्रियाः ।
भ्रातरस्तेपि विधेया विभक्ता पैतृकादनात् ॥ ८९३ ॥
(श्रीघनलक्षणं श्रीघनप्रकाशः)
अध्यग्न्यध्यावाहनिकं दत्तं च प्रीतित स्त्रियैः ।
भ्रातृमातृपितृप्राप्तं पद्भिर्यं श्रीघनं स्मृतम् ॥ ८९४ ॥
यियाहकाले यत्स्त्रीभ्यो दीयते द्वात्रिंशन्निधौ ।
तदध्याग्निरुनं सद्भिः श्रीघनं परिणीतितम् ॥ ८९५ ॥
यत्पुनर्लभते नारी नीयमाना पितृगृहात् ।
अध्याग्निरुनं चैव श्रीघनं तदुदादितम् ॥ ८९६ ॥

889-891 वि वि p 132, म म. pp 101 102 (has 889, but assigns no name and reads गोत्रसाधारणं and ascribes 890 to बृहस्पतिः), स्मृतिव. III pp 712 713 ascribes all three to बृहस्पतिः.

892 दायभाग p 110

893 अथर्षः p 757 (reads बह्वेभ्यो दद्यान्दावे and विभक्ता भ्रातरस्ते च विधेया पैतृके च), स्मृतिव. III p 719, व वि p 443

894 दायभाग p 72 (ascribes to मृग and कात्यायन), वि र p 522 and वि वि p. 188 (also do so)

895-897 विता on या II 143, अथर्षः p 751 (reads पादबद्धनिकं लक्ष्मणकान्तिनुरूपं) स्मृतिव. III p 651, पर म III p. 647, बृहस्पति on मनु 9 19: (has 895-898 and reads नीयमाना पुत्रैर्गृहात्), वि. र. p. 524 and वि वि p. 133 (reads दत्तव्यान्प्राप्तिः).

प्रीत्या दत्तं तु यत्किञ्चित् श्रवणा वा स्वशुश्रेण वा ।
 पादबन्धनिकं चैव प्रीतिदत्तं तदुच्यते ॥ ८९७ ॥
 गृहोपस्करवाह्यानां दोषाभरणकर्मिणाम् ।
 मूल्यं लब्धं तु यत्किञ्चिच्छुद्धं तत्परिकीर्तितम् ॥ ८९८ ॥
 विवाहात्परतो यत्तु लब्धं भर्तृकुलात्प्रिया ।
 अन्वाधेयं तदुक्तं तु लब्धं यन्भुक्तुलान्तथा ॥ ८९९ ॥
 ऊर्ध्वं लब्धं तु यत्किञ्चिन् संस्कारात् प्रीतितः स्त्रिया ।
 भर्तुः पित्रोः सकाशाद्वा अन्वाधेयं तु तद्गुणः ॥ ९०० ॥
 ऊढया कन्यया चापि भर्तुः पितृगृहेऽपि वा ।
 भ्रातुः सकाशात्पित्रोर्वा लब्धं सौदायिकं स्मृतम् ॥ ९०१ ॥
 (स्त्रीधने स्वाम्यादिविचाराः)

पितृमातृपतिभ्रातृहातेभिः स्त्रीधनं स्त्रियै ।
 यथाशक्त्या द्विसाहस्राद्वातन्त्र्यं स्वायरादते ॥ ९०२ ॥
 यत्तु सोपाधिकं दत्तं यद्य योगवशेन वा ।
 पित्रा भ्रात्राप्यवा पत्या न तत्स्त्रीधनमिष्यते ॥ ९०३ ॥

मुच्यते and नीयमान दि पैतृकात्), मद पा. p 671, दावमाय p. 78,
 (has 895 96 and reads नीयमाना दि पैतृकात्)

898 दावमाय p. 93, अपराकं p 752, स्मृतिव० III p 652, य म p
 153, वीर० p 690, वि. र. p 525, मद पा. p 671

899-900 दावमाय p. 71 (has both), वि र p 524 (has both and
 reads स्वकुलान्तथा), परा. पा III. p. 513 has 899 and reads
 लब्धं पितृकुलात्वा, य. म. p 153 and वि वि p. 139 have 899
 only and read यद्गुणं स्वकुलान्तथा, मिता० on वा II. and 144 य.
 वि. p 380 (have 899 and लब्धं पितृकुलात्वा), वीर० p. 690 has 899
 and reads as य म. does अपराकं p. 752 and स्मृतेव० III. p. 652
 read one verse as विवाहाः .. स्त्रिया । भर्तुः पित्रोः सकाशाद्वा अन्वाधेयं तु
 तद्गुणः ॥

901 मिता० on वा. II 143, वीर० p 690, य म 155, परा मा. III. p.
 543, अपराकं p. 751 दावमाय p 76 reads भर्तुः सकाशात्.

902 स्मृतिव० III. p 652, परा. मा III p. 548, य. म. p 154.

903 स्मृतिव० III p 653, परा मा III p. 548, य. म. p. 154, वीर०
 p. 688.

प्राप्तं शिष्यैस्तु यद्विद्धं प्रीत्या चैव यदभ्यतः ।
 भर्तुः स्वाम्यं तदा तत्र शौचं तु स्त्रीधनं स्मृतम् ॥२०४॥
 सौदार्यिकं धनं प्राप्य स्त्रीणां स्वातन्त्र्यमिष्यते ।
 यस्मात्तद्वानुशंस्यार्यैर्तद्वत्तमुपजीवनम् ॥२०५॥
 सौदार्यिके सदा स्त्रीणां स्वातन्त्र्यं परिकल्पितम् ।
 विक्रये चैव दाने च यथेष्टं स्यादवरेऽपि ॥२०६॥
 भर्तृदायं मृते पत्यौ विन्यसेत्स्त्री यथेष्टतः ।
 विद्यमाने तु संरक्षेत् क्षपयेत्तत्कुलेन्यथा ॥२०७॥
 अथ चेत्स द्विमार्यः स्यात्त च तां भजते पुनः ।
 प्रीत्या निमृष्टमपि चेत्प्रतिदाप्यः स तद्वलात् ॥२०८॥
 प्राप्ताञ्छादनवासानामाञ्छेदो यत्र योषितः ।
 तत्र स्वमाददीत स्त्री विभागं रिक्थितां तथा ॥२०९॥
 लिखितस्येति धर्मोयं प्राप्ते भर्तृकुले वसेत् ।
 व्याधिता प्रेतकाले तु गच्छेद्द्वन्द्वजनं ततः ॥२१०॥
 न भर्ता नैव च सुतो न पिता भ्रातरौ न च ।
 आदाने वा यिसर्गे वा स्त्रीधने प्रभविष्णयः ॥२११॥
 यदि होक्तरोप्येषां स्त्रीधनं भक्षयेद्द्वलात् ।
 सपुद्गिकं प्रदाप्यः स्याद्विषं चैव समाभुयात् ॥२१२॥

904 स्मृतिव० III, p. 654, परा मा III, p. 550, अ. म. p. 154, वीर० p. 689, दावभाग p. 76.

905 अपराकं p. 752, स्मृतिव० III, p. 654, परा. मा. III p. 649, वि. वि. p. 139 (reads दत्तं तत्पजीवनं), वीर० p. 691, दावभाग p. 76 (reads तैर्दत्तः प्रजीवनम्).

906-907 स्मृतिव० III p. 655 (both), अपराकं p. 752 (has only 906), दावभाग pp 76 and 73, वि. वि. pp. 139-140 (has both), वीर० p. 691 and अ. म. p. 155 (have only 906), वि. र. pp. 510-511.

908-909 अपराकं p. 755 (reads आदवीन), दावभाग p. 78 (reads विमृष्टमादि), स्मृतिव० III p. 658, वीर० p. 692, वि. र. p. 514.

910 अपराकं p. 755 (first half only), वि. वि. p. 141, वि. र. p. 514 (has whole verse).

911-912 दावभाग p. 78 and अपराकं p. 754 (read मूलमत्र and यदासी), स्मृतिव० III, p. 658, अ. म. p. 286 (has 911-912), अ. म. pp.

तदेव यद्यनुवाच्य भक्षयेत्प्रातिपूर्वकम् ।

मूष्यमेव प्रदाप्यः स्वाद्ययत्नौ धनयान्भवेत् ॥ ९१३ ॥

स्याधिते व्यसनस्थे च धनिकेऽप्यपीडिते ।

हात्वा निवृष्टं यत्प्रीत्या दद्यादात्मेच्छया तु स ॥ ९१४ ॥

जीरन्त्याः पतिपुत्रास्तु देवराः पितृबान्धवाः ।

अनीशा स्त्रीधनस्वीकादण्डव्यास्त्वपहरन्ति ये ॥ ९१५ ॥

भर्त्रा प्रतिश्रुतं देयमृणवत्स्त्रीधनं सुतैः ।

तिष्ठेद्भर्तृकुले या तु न सा पितृकुले पसेत् ॥ ९१६ ॥

(सुतायाः स्त्रिया धनभिक्षादिभिः)

भगिन्यो बान्धवैः सार्धं विभजेरन्तर्भर्तृकाः ।

स्त्रीधनस्येति धर्मोऽयं विभागस्तु प्रकल्पितः ॥ ९१७ ॥

बुद्धितृणामभावे तु रिक्तं पुत्रेषु तद्भवेत् ।

बन्धुदत्तं तु बन्धूनामभावे भर्तृगामि तत् ॥ ९१८ ॥

पितृभ्यां चैव यद्दत्तं बुद्धितुः स्थावरं धनम् ।

अप्रजायामतातायां भर्तृगामि तु सर्वदा ॥ ९१९ ॥

आसुराविषु यल्लब्धं स्त्रीधनं पैतृकं स्त्रिया ।

अभावे तदपत्यानां मातापित्रोस्तदिष्यते ॥ ९२० ॥

- 155-56, वीर० p 692 न वि p 830 (has 912-913), वि. र. p 518.
- 914 अपरार्क p 755, स्मृतिच० III. p. 658, वि. वि p 141, वि. र. p 518.
- 915 अपरार्क p 752
- 916 स्मृतिच० p III 659 (first half only), वि. वि. p. 142, वि. र. p. 514 (इले जातु न या पितृ०)
- 917 अपरार्क p 721, स्मृतिच० III p 661 and 667, वि. वि. p. 143, वीर० p. 695 (first half), वि. र. p 518.
- 918 अपरार्क pp. 721 and 753, वि. वि. p. 143, स्मृतिच० III p. 664, वीर० p 697 (has first half only and reads पुत्रस्य), वि. र. p. 518, दायभाष p. 95 (latter half only)
- 919 दायभाष p 92 (ascribes to बृहकात्यायन), वीर० p. 706 (reads अर्द्धांशस्यप्रवृत्तिः).
- 920 स्मृतिच० III. p. 665, वरा. भा. III. p. 504.

(अशुश्रूषणे पत्न्यादयो धनाधिकारिण)

अशुश्रूषा शपनं भर्तुः पालयन्ती गुरौ स्थिता ।
 भुञ्जीतामरणात्क्षान्ता दायादा ऊर्ध्वमामुयुः ॥ ९२१ ॥
 स्वयंने स्वामिनि स्त्री तु ग्रासाच्छादनभागिनी ।
 अविभक्ते घनांशं तु ग्रामेत्यामरणान्तिकम् ॥ ९२२ ॥
 भोक्तुमर्हति कल्याणंशं शुश्रूषणे रता ।
 न कुर्याद्यदि शुश्रूषां वैलपिण्डे नियोजयेत् ॥ ९२३ ॥
 मृते भर्तरि भर्त्रंशं लभेत कुलपालिका ।
 यावज्जीवं न हि स्वाम्यं दानाधमनयिक्रये ॥ ९२४ ॥
 मतोपवासतिरता ब्रह्मचर्ये व्यवस्थिता ।
 दम्भदानरता नित्यमशुश्रूषापि दिवं वजेत् ॥ ९२५ ॥
 पत्नी भर्तुर्धनद्वरी वा स्याद्व्यभिचारिणी ।
 तदभावे तु दुहिता यद्यनूदा भवेत्तदा ॥ ९२६ ॥
 अशुश्रूषस्याथ कुलजा पत्नी दुहितरोपि वा ।
 तदभावे पिता माता भ्राता पुत्राश्च कीर्तिताः ॥ ९२७ ॥
 विभक्ते संस्थिते द्रव्यं पुत्राभावे पिता हरेत् ।
 भ्राता वा जननी वाथ माता वा तत्पितुः क्रमात् ॥
 अपचारकियायुक्ता निर्लज्जा वार्धनाशिका ॥ ९२८ ॥

921 दायमान p. 171, स्थितिः III. p. 677, स. वि. p. 410, वि. वि. p. 140, वीर. p. 627

922-923 स्थितिः III pp 678-679, न वि pp 410-411 (reads अविभक्तघनांशः), अथ म. pp 139-140 (reads वैलं विण्डं), वीर. pp. 654-655 (reads पतति तु)

924-925 अ. म. 188, वीर. p. 626.

926 पिता. on या II. 135, स्थितिः III p. 698 (reads यद्यनूदाय-
 तिहिता), म. वा p. 672, प. म. III p. 524, अ. म. p. 141,
 स. वि p. 412, वीर. p. 631

927 पिता. on या. II 135 (reads अशुश्रूषाकुलजा), स्थितिः III p. 693, प. म. III p. 526, अ. म. p. 141 (अशुश्रूषण).

928 पिता on या. II 135, अथार्थं p. 745, स्थितिः III p. 690, प. म. III. p. 532, वि. वि. p. 154, वीर. p. 632.

व्यभिचाररता या च स्त्री धनं सानं चाहति ॥२२९॥

नारी स्वस्वननुज्ञाता पित्रा भर्त्रा सुतेन वा ।

विफल तद्भवेत्तस्या यत्करोत्यैर्ध्वदेहिकम् ॥ २३० ॥

अदायिकं राजगामि योपिद्भृत्यैर्ध्वदेहिकम् ।

अथास्य श्रोत्रियद्रव्यं श्रोत्रियेभ्यस्तर्पयेत् ॥ २३१ ॥

संसृष्टानां तु संसृष्टा पृथक्स्थाना पृथक्स्थिताः ।

अभावेऽर्थहरा श्रेया निर्वीजान्योन्यभागिनः ॥ २३२ ॥

(पूतमाह्वयौ)

शूतं नैव तु सेवेत कोपलोभविचर्षकम् ।

असाधुजननं कुरं नराणां द्रव्यनाशनम् ॥ २३३ ॥

भुवं शूतात्कलिर्यस्माद्विष सर्पमुखादिव ।

तस्माद्राजा निवर्तेत विषये व्यसनं हि तत् ॥ २३४ ॥

वर्तेत चेत्प्रकाशं तु द्वारावस्थिततोरणम् ।

असंमोहार्थमायाणां कारयेत्तत्करप्रदम् ॥ २३५ ॥

समिक कारयेद् शूतं देयं दद्यात्स्वयं नृपे ।

दशकं तु शते पृष्टिं पृष्ट्वायाद्य पराजयात् ॥ २३६ ॥

जेतुर्दद्यात्स्वकं द्रव्यं जिताद्ग्राह्यं निपक्षकम् ।

सद्यो वा समिकेनैव कितावान्तु न सशय ॥ २३७ ॥

929 मेधातिथि on मनु 8 28 (as स्मृत्यन्तरं) वि वि p 141, and अ म
p. 140 and वीर० p 655 (read अपकार०) एण मा III p 582

930 अ म p 113

931 एण मा III p 535 अ म p 139

932 वि वि p 160, वि र p 605 (reads अभर्षेऽहम्)

933-34 वि वि p 166, वि र p 611

935 वि र p 611

936 अपरार्क p 803 (reads दशकं तु शतं) स्मृतिच० III p 769 (latter
half only) वि र p 612 (reads तु शतं पराजये)

937 अपरार्क p 803 (reads जितग्राह्यं निपक्षकम्) स्मृतिच० III p 769
वि र p 612 (reads विपक्षक and कितावान्तर्गतौ), वीर० p 719
(reads जितं पक्षिकं and वा क्लिप्तैवेव समिवात्तु) एण मा III p
575 (reads as अपरार्क does)

एकरूपा द्विरूपा वा द्यूते यस्याक्षदेविन ।
 दृश्यते च जयस्तस्य यस्मिन् रक्षा व्यवस्थिता ॥९३८॥
 अथवा कितवो राक्षे दत्त्वा भागं यथोदितम् ।
 प्रकाशं दे३नं दुर्योदेयं दोषो न विद्यते ॥ ९३९ ॥
 प्रसह्य दापयेद्देयं तस्मिन्स्यागे न चा-यथा ।
 जितं वै समिरुस्तत्र समिरुपत्यया क्रिया ॥ ९४० ॥
 अनभिज्ञो जितो मोच्योऽमोच्योभिज्ञो जितो रक्षः ।
 सर्वस्वे विजितेऽभिज्ञे न सर्वस्वं प्रदापयेत् ॥ ९४१ ॥
 विप्रदेष्टु ज्ञेये लाभे करणे कूटदेविनाम् ।
 प्रमाणं समिरुस्तत्र शुचिश्च समिको यदि ॥ ९४२ ॥
 श्लेष्मश्वपाकधूर्तानां कितवाना तपस्विनाम् ।
 तत्कृतान्वारमेत्पूना निश्चयो न तु रात्रनि ॥ ९४३ ॥
 (प्राणिकम्)

पूर्वोक्तादुक्तशेषं स्यादधिकारच्युतं च यत् ।
 आहृत्य परतन्त्रार्थनिबद्धमसमञ्जसम् ॥ ९४४ ॥
 दृष्टान्तत्वेन शास्त्रान्ते पुनश्चकृत्क्रियास्थितम् ।
 अनेन विधिना यच्च घातय तस्यात्प्रकीर्णकम् ॥९४५॥
 राजघर्मा-स्त्रधर्मोश्च संदिग्धानां च भाषणम् ।
 पूर्वोक्तादुक्तशेषं च सर्वं तत्स्यात्प्रकीर्णकम् ॥ ९४६ ॥
 सद्भागकरदुद्धकं च गतं देयं तथैव च ।
 संयामचौरमेदी च(दध्?) परदारभिमर्दनम् ॥९४७॥
 गोप्राहणजिघांसा च दास्यव्याघातवृत्तथा ।
 एतान्दशपरापांस्तु नृपतिः स्वयमन्विषेत् ॥ ९४८ ॥
 निष्कृतीनामकरणमाशासेधव्यतिक्रमः ।
 वर्णाश्रमावि शेषश्च प्रजसद्गत्लोपनम् ॥ ९४९ ॥

938 वि र p 614

939 स्मृतिच० III p 769 अथार्क p 803 and बीर० p 718 ascribe it to नम्रद

940 41 अथार्क p 801, वि र pp 615 616 (reads दानवेद्दुद्द, °प्रययान् विष्ण, निज्ञो मोच्योभिज्ञो वापि निज्ञो)

942-943 अथार्क p 804 वि र p 617 (निश्चयेन)

944 952 वि र pp 622 623

निधिर्निष्कलवित्तं च दरिद्रस्य धनागमः ।
 एतांश्चरैः सुविदितान् रक्ष्य राजा निवारयेत् ॥ ९५० ॥
 अनाम्नातानि कार्याणि क्रियावादाश्च वादिनाम् ।
 प्रहतीनां प्रकोपश्च सङ्केतश्च परस्परम् ॥ ९५१ ॥
 अशास्त्रविहितं यद्य प्रजाया संप्रवर्तते ।
 उपायैः सामभेदाद्यैरेतानि शमयेद्वप ॥ ९५२ ॥
 मित्राविषु प्रयुज्जीत बाग्दण्डं धिक् तपस्विनि ।
 यथोक्त तस्य तत्कुर्यादनुक्तं साधु कल्पितम् ॥ ९५३ ॥
 प्रमाणेन तु कृटेन मुद्रया वापि कृटया ।
 कार्यं तु साधयेद्यो धौ स दाप्यो दममुत्तमम् ॥ ९५४ ॥
 राजक्रीडासु ये सका राजवृत्तुपजीविनः ।
 अग्रियस्य च यो वक्ता यद्य तेषां प्रवर्तयेत् ॥ ९५५ ॥
 गतिरूपस्य कर्तारं प्रेक्षकाः प्रकराद्य ये ।
 राजार्थप्रोपकाश्चैव प्राप्नुयुर्विविधं वपम् ॥ ९५६ ॥
 प्रजन्यावसितं शूद्रं अपहोमपरं तथा ।
 वधेन शासयेत्पापं दण्डेन वा द्विगुणं दमम् ॥ ९५७ ॥
 सचिह्नमपि पापं तु पृच्छेत्पापस्य कारणम् ।
 तदा दण्डं प्रकल्पेन दाप्यमारोप्य यत्नतः ॥ ९५८ ॥
 सद्बुद्धानां तु सर्वेषामपराधो यदा भवेत् ।
 अवशेनैव दैवानु तत्र दण्डं न कल्पयेत् ॥ ९५९ ॥
 सम्प्रदण्डप्रणेतापो नृपः पूज्याः सुरैरपि ।
 आत्मभे प्रथमं हृद्यात्प्रभृतौ मध्यमे स्मृतम् ॥
 यस्य यो विहितो दण्डः पर्याप्तस्य स वै भवेत् ॥ ९६० ॥

९५३ वि र p 629

९५४ अपरार्क p 863 स्मृतिच० III p 757, स वि p 475 (reads मुद्रया
 बानुकूलया and दाप्योक्तं साहमम्), वि र p 370

९५५ स्मृतिच० III p 773 एव मा III p 580 (reads अग्रिये वास्य),
 वि र p 368 वि वि p 103 नीर० p 724

९५६ वि वि p 103

९५७ एव मा III p 580 नीर० p 724

९५८ वि र p 610

९५९ ९६० वि र p 631

राजानो मन्त्रिणश्चैव विशेषादेवमाप्नुयुः ।
 भक्ष्यसत्तासु पापानां नतानां दण्डधारणात् ॥ ९६१ ॥
 परतन्त्राश्च ये केचिद्दासत्वं ये च संरिच्यताः ।
 भनायास्ते तु निर्दिष्टास्तेषां दण्डस्तु तादृगम् ॥ ९६२ ॥
 तादृगं वन्धने चैव तथैव च विडम्बनम् ।
 एष दण्डो हि दासस्य मार्यदण्डो विधीयते ॥ ९६३ ॥
 सुवर्णशतमेकं तु यथाहो दण्डमर्हति ।
 अङ्गच्छेदे तदर्थे तु विधासे पञ्चपिण्डितम् ॥ ९६४ ॥
 कुलीनार्थविशिष्टेषु निरुपेक्ष्यनुसारतः ।
 सर्वस्य वा नियुक्तैतान् पुराच्छीघ्रं प्रयासयेत् ॥ ९६५ ॥
 निर्धना वन्धने स्थाप्या वर्षं नैव प्रयतयेत् ।
 सर्वेषां पापमुक्तानां विशेषार्थश्च शास्त्रतः ॥ ९६६ ॥
 यथाङ्गच्छेदाहंविप्रो निःसङ्गे वन्धने विशेषः ।
 तद्वर्गविमुक्तोऽसौ वृत्तस्तस्य दमो हि सः ॥ ९६७ ॥
 कूटसाक्ष्यपि निर्वास्यो विख्याप्योऽसत्प्रतिग्रही ।
 अङ्गच्छेदी वियोज्यः स्यात् स्वधर्मे वन्धनेन तु ॥ ९६८ ॥
 पतैः समापराधानां तत्राप्येवं प्ररूपयेत् ।
 बालवृद्धातुरस्त्रीणां न दण्डस्तादृगं दमः ॥ ९६९ ॥
 श्रीधनं दापयेदण्डं धार्मिकः पृथिवीपतिः ।
 निर्धना प्राप्तदोषा स्त्री तादृगं दण्डमर्हति ॥ ९७० ॥
 अन्ययोपाजितं न्यस्तं कोपे कोपं निवेशयेत् ।
 कार्यार्थं कार्यभासः स्वाद्वुद्धिमात्रोपपातयेत् ॥ ९७१ ॥
 दत्त्वा धनं तद्विभ्रेभ्यः सर्वं दण्डसमुत्थितम् ।
 पुत्रे राज्यं समासज्य कुर्यात् प्रायणं वने ॥ ९७२ ॥
 एवं चरेत्सदा युक्तो राजा धर्मेषु पार्थिवः ।
 हितेषु चैव लोकस्य सर्वान् भृत्यान्निषेजयेत् ॥ ९७३ ॥

961 वि. र. p. 650

962 वि. र. p. 655

963 वि. र. p. 655, परा. मा. III, p. 212 attributes this to बृहस्पति
and reads latter half as दण्डो हि ददस्य मार्यदण्डो बृहस्पतिः ॥

964-968 वि. र. p. 657.

969 वि. र. p. 658.

970 वि. र. 659.

971-973 वि. र. p. 663. .

Some Abbreviations employed in the Translation and Notes

- Apar = Aparārka's com on Yājñavalkya
 Br = Translation of Brhaspati by Dr Jolly in the Sacred
 Books of the East Series vol 33
 D B = Dāyabhaga
 Kat = Katyayana
 Kāut = Arthśāstra of Kautilya (text, ed in 1919 by Dr
 Sham Sastri and translation by him in 1915)
 Kul = Kulluka's commentary on Manusmṛti
 Mit = Mītakṣara of Vijñāneśvara
 Nar = Translation of Nārada smṛti by Dr Jolly in Sacred
 Books of the East Series vol 33
 Par M = Parāśaramādheviya
 Sar = Sarasvativilāsa (text)
 Sm C = Smṛticandrikā (text, Mysore edition)
 V C = Vivāda cintamani
 Vi = Viśnu dharmasūtra
 Vir = Viramitrodaya (text ed by Jivananda)
 Vis = Viśvarupa's commentary on Yājñavalkya
 V M = Vyavaharamayukha of Nīlakaṇṭha (text &c. ed by me)
 V R = Vivādaratnākara (text)
 Vy Māt = Vyavaharamātṛkā of Jimutavāhana
 Yāj = Yājñavalkya-smṛti

9 Kings who abide by the duties peculiar to themselves attain to the position of Indra; but those (kings) whose actions go astray (from the path of dharma) have to reside in the Avici hell (after death)

10 That king, who gives way to (sudden) wrath without proper thought, no doubt would reside in an horrible hell for half a kalpa

11. He (the king) should appoint a minister who is a brāhmana, is endowed with these qualities, who is (always) absorbed in (state) business who is devoted to the king and who is the best of his family

12 Where the ministers, the sabhyas (members of the assembly of justice) and physicians are given to speaking what is agreeable (to the king), the king would there be soon deprived of his kingdom, of dharma and of happiness (respectively).

13 He (the king) should not direct his wrath towards them (ministers sabhyas, and physicians) when they tell him (the truth), since these must always tell the king what is proper and what is firmly fixed

14 Where the king himself looks into all actions according to the dictates of dharma, there the people behave well and reside in happiness

15 Constant protection of the subjects, eradication of evil doers, honouring brāhmanas—for these purposes the king was made

9 'Avici' is one of the 21 hells prescribed for sinners Vide Yāj III 222 225 and V: 43 1-23

10 Read 'narako' for 'narakam' 'Kalpa' is an enormous period. It is a day of Brahmā and is equal to a thousand divine yugas, each divine yuga being equal to 12000 human years Vide Manu I 68 72

11 'Endowed with these qualities' Probably this refers to the qualities of the king enumerated above

12 If the minister were to give such advice as would be agreeable to the king and not what would be of real benefit to the state, the king would lose his kingdom. Similarly if the sabhyas were to decide according to the whims of the king, they would be perpetrating injustice (i.e. he would lose dharma). If physicians were to prescribe what was agreeable to the king his health and happiness would suffer

15 Compare Manu VII 35 and IX 253 and Yāj I 383 The Kattayana contains a special *śāstra* (4th) on *kantakasodhana*

16 The king is declared to be the lord of the land, but never of other kinds of wealth therefore he should secure the sixth part of the fruits of land but not otherwise at all

17 Since (human) beings reside on it (on land) their ownership thereof has been declared The king's ownership is restricted to taking one sixth as a tax, since the latter is dependent on good and evil portents (or natural phenomena and calamities of storms rains, locusts etc)

18 That king who, giving up greed, acts in this manner is blessed with sons and his domain and treasury prosper

19 The king who unjustly takes from his kingdom taxes fines, share of crops and tolls incurs sin

20 He (the king) should discard the teachings of politics and resort to the dictates of dharmaśāstra (sacred law).

21 Even when the king is at fault (the conqueror) should not ruin the country (for the vanquished king's faults), since he (the vanquished king) does not start on (his career of) wrong doing with the consent of his subjects

22 Whatever (gift) a king offers in a proper manner to a suppliant without distress (to himself), that gift saves him such a gift made for the purpose of (accumulating) merit becomes enduring (in its results)

23 Whatever is gained by kings after justly attacking and conquering their enemy is untainted and fit to be bestowed (in gift) and not anything else which is acquired in a different way

16-17 The idea underlying these verses seems to be that the king is the owner of all land in the state therefore he is entitled to demand a sixth part of the produce of the land The actual cultivators of the soil have only a qualified ownership over land which they are said to own because they reside on it and produce crops The latter half of 17 is difficult to construe The transition above is only tentative According to the V. M. the king was not the owner of the soil (p. 91 text) Kātyāyana's view seems to be the same as that embodied in section 37 of the Bombay Land Revenue Code

20 The symbol of the rule of conflict in the case of conflict between the teachings of a śāstra and a rājanīdharma Vide Yaś Tī 31 54a 1 37 p. 15 and Ep. Dr. 3 1 3 24 35 in a similar vein Haraditya also says शास्त्रेन विहितं प्रवर्तयन् राजा कदापि न पराजितः स्यात् (p. 150 (text))

24 The king should appoint as his *parokṣa* (a family priest) a brahmana who is (highly) spoken of (by the learned), who is well disposed, endowed with perfect (Vedic) learning, who is not greedy and who speaks the truth

(Definition of *Vyavahāra*)

25 When the ramifications of a right conduct, that together are called *dharma* and that can be established only with effort, have been violated, the dispute (in a law court between plaintiff and defendant) which springs from what is desired to be proved (such as a debt) is said to be *vyavahāra*

26 'Vi' is employed in the sense of 'various,' 'ava' in the sense of 'doubt', 'hara' means 'removing', 'vyavahāra' is so called because of its removing various doubts

27. The king should not through being won over or through greed of money take upon himself the disputes of men

when they do not themselves contend (in a court)

28 He, who causes (physical) injury or does not give back through wickedness what he owes to (his creditor) even though the latter beseeches (him), should be dragged by order of the king

29 (Vyavahara) has two aspects, which come to be eighteen owing to the manifoldness in the objects to be secured (by litigation), the eighteen again become 1008 owing to the multifariousness of the matters to be proved

30 What the plaintiff complains of (before the court) is the root of the litigation, the two springs (of vyavahara) are said to be non rendition of what is due and injury

31 This (*vyavahāra*) is said to have four feet i e stages viz the plaint the defence (or reply), the deliberation (as to burden of proof) and the adducing of proof

32 Dharmaśāstra (sacred law) and Arthaśāstra (science of politics and government) are declared to be the two main branches (of vyavahara) and victory and defeat are declared to be the two fruits

29 The two aspects of *vyavahara* are civil (*dhanamula*) and criminal (*dharmamula*) the former contains 14 titles of law and the latter 4 These eighteen titles can be subdivided into 132 according to Nar (p 12) Vide also L p 283 verso 5 for division into civil and criminal disputes

30 Compare ब्रह्मसंहिता विना वा कुलं न सिद्धं वा न प्रपद्यति । द्वे हि रजान विवादस्य नयं बहूनि (ग २ ॥ ४) सूत्रेण (II p 2) vide Br p. 283, v 4

31 According to L the four padas are plaint reply, *Arya*s (adducing of proof) and decision (vide Apar p 616) while the Vir, quotes (p 59) another verse of Bhaspati's where the four padas are *bhāṣa* (plaint) *uttara kṛtā* and *pratyakalita* (Br p. 289 verso 1) The meaning of *pratyakalita* according to the Vir and Apar is 'deliberation of the judge and assessor as to where the *onus probandi* lies and as to the method of proof' According to the Mit (on Ya) II 8 *pratyakalita* in this sense is not a *vyavaharapada*, since it is a function of the judge only and has no direct relation to the litigants but *pratyakalita* in the sense of decision of the suit may be a *vyavaharapada* According to Nar (p 7 v 10) the four feet of *vyavahara* are 'dharma, *vyavahara* caritra royal edict

32 Verses 30 and 32 seem to refer to the dictum of Haribha about *vyavahara* 'द्वयस्य द्विद्वयं द्विद्वयं द्विद्वयं' (दृष्टान्त III, p. 27).

33. That man is declared to be *stobhaka* who with a sole eye to money and without being urged by the king first informs (the king) of a matter which is censured by *śāstra* (sacred law)

34. That man is declared to be *sūcaka* who is appointed by the king himself for discovering the wrong-doing of others and who coming to know of it conveys it to the king.

(*Comparative strength of dharma, vyavahāra, caritra and rājāsāsana*)

35. In a dispute where the person guilty of wrong-doing accepts (confesses to) his responsibility for it and where the real owner of the money (in dispute) secures his wealth by the admission of the defendant the decision is by *dharma* (moral law) itself.

36. That is said to be *vyavahāra* (decision by judicial proof) where, for the purpose of deciding the causes (of litigants), those who are to execute the sacred law (i. e. the judge and assessors) put forward some principles of *dharmaśāstra* (viz. examination of plaint, reply, witnesses &c.).

33-34. A *stobhaka* is a private informant who gives information to the king for a reward, while a *sūcaka* is a servant of the king or an officer of the criminal intelligence department. These two verses have reference to *chala*, *aparādhas* and *padas* as to which the king was to proceed *suo motu*. Read राजाप्रवेदिनः.

35. Nārada (vide 31 above) speaks of *vyavahāra* as four-fold. But what he meant is made clear by Bṛhaspati 'यमेव व्यवहारेण परिणेतव्यमहया । यदुपपन्नोऽभिहितं सम्प्रत्येवं विनिर्णय ॥' सु निबन्धे III p 21. Vide Br p 285 v 13. 'Decision' is the fourth *pāda* of *vyavahāra* according to Br and this last can be arrived at in four ways viz by *dharma*, by *vyavahāra*, by *caritra* and by *rājāsāsana*. When a person guilty of a crime (*dosa*) admits his guilt (through repentance and on account of being afraid of sins) without fighting out the proceeding and when a defendant also admits in his reply his liability to pay, there the decision is said to be by *dharma*, as the admission is due to the desire to follow *dharma* and to the fear of *adharma*. Here there is no necessity of proof, or usage, or royal edict. It is therefore that Nār says 'तत्र सत्ये दिव्यतो यमो व्यवहारस्तु साक्षिणः । परितः पुनश्चरते राजादाया तु दासनाय ॥'. This very verse occurs in Kauṣīlya (p. 350 text) where we read परिणेतव्यं यमोऽप्युपायः.

36. It is therefore that Nār says that decision by *vyavahāra* rests on witnesses, as they are the principal instrument of proof. Compare Br. p. 285 v. 24.

37 Whatever a person practises, whether it be according to dharma (the letter of the sacred law) or not, because it is the invariable usage in a country, is declared to be *caritra* (usage)

38 What a king establishes as dharma which is not in conflict with the *smṛti* rules on justice and with the usages of the country is a righteous royal edict

39 Where a cause is tried by (an appeal to) reasoning and ordeals are eschewed, there (decision by) *dharma* is overruled by *vyavahāra* and not in other cases

40 (The king) should not disregard the fixed rules of conduct among those who belong to the *pratiroma* castes and among inhabitants of forts (or inaccessible mountain places), even if they are opposed (to rules of *smṛti*)

37 Certain usages observed by the people of a country may not be in accordance with the rules contained in certain *dharmaśāstras* (such as marriage with a maternal uncle's daughter) ; yet if the question of the validity of such a marriage comes before the court it is to be decided according to usage and not according to *dharmaśāstra*. Here a decision based on usage / *caritra* / is itself called *caritra*. Vide Manu I 103 on *śāstra* / usages / being transcendental law and Yāj I 343 on the king's duty to respect the usages of a conquered country. Nārada's text as read by Caudeśvara 'चरित्रं पुस्तकम्' means documentary evidence but Par M (III p 10) reads 'चरित्रं तु स्वीकारे' which means the same thing as above. Vide Vit p 9 for criticism of these two readings. Vāṭ also says 'देशविधिं पूर्ववत् चरित्रं समुदाहृतम्' (स्मृतिच० III p 23 / and विष्णुश्च also says 'यथाचरित्रं अथ धर्मं वाप्यनेन वा । कुलविदेशाचरणाचरितं त्वयो निर्दिष्टम्' (स्मृतिच० III p 58)

38 A decision in a cause arrived at by the king's own intellect and not in conflict with *Smṛti* or usages is said to be a decision by royal edict

39 These and the following verses illustrate the dictum of Nārada about the four that each succeeding one is stronger (or superior to) than each preceding one (उत्तरं पूर्ववाचकम्). Vide Nār p 7 v 10 Kauṭ (p 150 text) has the same verse. Where the decision is not given on the admission of the defendant or on trial by ordeal but according to the methods of proof (such as witnesses interested) laid down in *dharmaśāstra* the decision is by means of *vyavahāra*. वृत्तमिति अत्र 'शास्त्रं स्वयं जित्य जितं अत्र नियमः । व्यवहारं स विजया भवत्येवावधीयते' (स्मृतिच० III p 34 नृ० p 12 / Vide Br p 286 v 23

40 41 When a girl of a higher caste marries a male of a lower caste the progeny is called *pratiroma*. Vide Manu X 11 41 and Yāj I 89 85.

33. That man is declared to be *stobhaka* who with a sole eye to money and without being urged by the king first informs (the king) of a matter which is censured by śāstra (sacred law)

34. That man is declared to be *sūcaka* who is appointed by the king himself for discovering the wrong-doing of others and who coming to know of it conveys it to the king.

(Comparative strength of *dharma*, *vyavahāra*, *caritra* and *rājas'āsana*)

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36. It is therefore that Bṛ says that decision by *vyavahāra* rests on witnesses, as they are the principal instrument of proof. Compare Bṛ. p 314 v 21.

conventional usages, but (in disputes) between these and others (the decision must be) in accordance with the sacred texts (dharmasastra)

48-50 Whatever conventions are settled in accordance with the consent of the (people of a) country should always be preserved in writing sealed with the royal seal . Such conventions should be sedulously upheld like (the dictates of) sacred law and (the king) should decide (disputes) after considering them . Whatever (trade) conventions are reduced to writing by traders as fit to be carried out, those must be given effect to and (the king) should not start anything contrary to them

51 Whatever is decided upon (once by the king) as the authoritative usage of a country and whatever he does as approved of by the vedas and smritis though not in vogue (as a custom or convention) that should not be again reversed (by the king) he should avoid what is not in accordance with smṛti rules

(*The hall of justice*)

52 That place, where the decision of the truth of the plaint (lit the cause or root of dispute) is carried on by a consideration of the (rules of the) sacred law, as (called) the Hall of Justice (dharmadhikarana)

53 54 The king having risen in the morning performed ablutions being composed in mind having shown due honour to his guru his astrologer, physicians, deities brāhmanas, and the family priests and having saluted the elders and the rest and being decked with fine flowers, ornaments and apparel, should enter the court room that has a pleasing appearance

various systems of law where the parties to the litigation do not belong to the same country town or village

48 50 These principles applicable to the usages of a country and the customs of a trade also hold good in the case of the usages of a caste or family as guild or corporation &c Vide Pitsmaha गृह्यसूत्रेण साधु मनानिवासेन भू-विहारश्चेति न निर्णय इ पृ १११ (पृ ३३३ III p 58) Vide Br p 221 v 28 and Manusm 11 Verse 21 because should have been placed after these.

53 54 Vide Br p 220 verses 21 22 for the same verses

41 When a king gives a decision in accordance with such rules of conduct (i. e. according to usage) then *vyavahara* is overruled by *castra*

42 Where kings consider that an usage is opposed to sacred law, there the usage is overruled by the king's command

43 Each succeeding one (out of the four viz *dharma*, *vya-vahāra*, *castra* and royal edict) when possessed of these characteristics overrules (each preceding one), where (each succeeding one) overrules (preceding one) in other circumstances, there justice (*dharma*) is destroyed

44 If a king decides (a case) by his own fiat where there is a text (of the *śāstra* capable of deciding it), it leads him away from heaven, it causes ruin to people, it brings danger (to the king) from the army of his enemy and it strikes down the roots (lit. the seed) of his (long) life

45 Therefore a king should decide the causes (of people) according to the rules of *castra*, but in the absence of sacred texts, he should carry out (judicial administration) according to the usages of the country (lit. the views of the country)

46. Whatever course of conduct is in vogue in a country, is of long duration and is not opposed to the *vedas* and *smṛtis*, is said to be the usage of the country

47 (In disputes) between the residents of the same country or the same capital or the same hamlet of cowherds and of the same town or village, (the decision should be) by their own

For the idea in these verses compare बृहस्पति 'देशविषयानुमानेन नैकमानुमदन वा विविक्तनिर्दिष्टान् व्यवहारस्तु वाच्यते' (*स्मृतिच०* III 25 शीर 7 p 12 and Br p 157 v 26)

41 Where usages are opposed to *smṛti* and it is likely that enforcing them would engender discontent and commotion among the people the king's command may supersede such usages. It is therefore that in verse 133 below a plea is which is opposed to the interest of the nation is said to fail

43 *Nārada's dictum* (उक्तं पुराणतः) quoted on verse 39 is not a universal rule. It is rather an exception. This is made clear by the verse the where judicial procedure can properly be carried out or where there are local usages (not opposed to the country's interest &c) the king cannot interfere by an edict

45 Compare *Manu* 3 3

47 This lays down the rule of decision in case of the conflict of

conventional usages but (in disputes) between these and others (the decision must be) in accordance with the sacred texts (dharmaśāstra)

48-50 Whatever conventions are settled in accordance with the consent of the (people of a) country should always be preserved in writing sealed with the royal seal. Such conventions should be sedulously upheld like (the dictates of) sacred law and (the king) should decide (disputes) after considering them. Whatever (trade) conventions are reduced to writing by traders as fit to be carried out, those must be given effect to and (the king) should not start anything contrary to them.

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(*The hall of justice*)

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53-54 The king having risen in the morning performed ablutions being composed in mind having shown due honour to his *guru* his astrologer physicians, desha brahmanas, and the family priests and having saluted the elders and the rest and being decked with fine flowers, ornaments and apparel, should enter the court room that has a pleasing appearance

various systems of law where the parties to the litigation do not belong to the same country town or village.

48-50 These principles applicable to the usages of a country and the custom of a trade also hold good in the case of the usages of a caste or family guild or corporation &c. Vide Pittamabha *सामान्य दुर्योधन व समाधिवादिनश्च* ।-प्रहारश्चैत्रवर्ष नर्पण व दृष्टव । (दृष्ट 117 p 58/ Vide Br p 237 v 28 and Manus 41. Verse 35 below should have been placed after these.

53-54 Vide Br I 210 versus 1-2 for the same verses

55 The king dressed in a simple (subdued, not gaudy) manner, having gone to the court room and being composed in mind, should look into the causes of litigants while sitting or standing facing the east along with persons learned in the three vedas, elders and councillors well versed in statecraft

56 The king who looks (into causes) according to the sacred law along with the judge, the ministers, the brāhmanas, the family priest and the assessors (sabhyas) attains heaven

57-59 (The court room) should be presided over by incorruptible and diligent assessors (sabhyas) by wise brāhmanas who are (perform the work) hereditary, who are well versed in the meaning of sacred texts and the science of politics by a few merchants who form a group (or guild), who are men of high family, character well advanced in years, are endowed with good conduct and wealth and are free from malice In that (court room) merchants are to be appointed to listen (to the cause) and to look to the administration of justice

(Time of holding the court)

60 The king, who strikes down his enemies, should decide the causes in the court room in the first half of the day according to the course laid down in the sacred texts (śāstra)

61 Those three parts of the day after omitting the (first) eighth part of the day are declared to be the best time

55 Compare Manus 12 Kūl explains that the king may decide while standing if the matter is simple or slight The Vyākṛ explains that the king's attire should be simple as otherwise the parties might be dazzled by his splendour and might forget what they had to say Compare Br p 280 v 20

57-59 The Mit notes that there is a difference between sabhyas and brāhmanas the former are specially appointed by the king the latter are not The Mit says that according to Manus 10-11 the sabhyas were to be three while according to Br they were to be 25 or 3 Vide Br p 278 v 11 V de Yāj II 2 for qualifications of sabhyas The Vr explains नृपस्यैव as old The merchants are to be other than the sabhyas and were to be associated with the judge and sabhyas according to Mit for placating the populace

61 The whole day (of 30 ghatikas or 12 hours) is to be divided into 8 parts then the first part (or 1½ hours) is to be set apart (for daily duties of bath worship &c) and the three parts (4½ hours) up to noon were to be devoted to hearing the causes Kaut (text p 37 and tr p 41)

for (looking into) disputes according to the sacred texts

62. The three parts of the day after the first eighth part are recognised in the śāstra by the wise as the time for (administration of) justice

(*The judge*)

63-64 When the king cannot himself decide the causes (of litigants), then he should appoint thereto (in the court) a brahmana learned in the various 'āstra', who is vigilant and well born who is impartial, who does not cause disgust to the people, who is steady (or incorruptible) who is afraid of the next world, most devoted to observance of śāstric rules of conduct assiduous and free from irascibility

65 The king should appoint for (deciding) disputes (a judge) who is not cruel who is sweet tempered kind, who is hereditary clever energetic and not greedy

66 One who has studied only a single branch of learning would not know how to decide causes therefore kings should appoint for (deciding) disputes one who knows many śāstras as the best person

67 Where a brāhmana (endowed with the qualities enumerated) cannot be had (the king) should appoint a Kṣatriya or a Vaiśya proficient in the sacred law, but he (the king) should carefully avoid a śūdra (as a judge)

68. Whatever is done by others (as judges) than these must be regarded as done wrongly, even if they be officers (of the king) and even if by chance it is done (the decision is) according to the sacred texts

divides the king's day into eight parts but assigns only the 2nd part and not 3rd and 4th also as in Kīt) for looking into the causes of citizens and of people in the country

62 This means the same thing as the preceding. It is unlikely that the original Kītyāyana contains both verses. Both are well authenticated so they probably represent two versions of the same verse.

63 Compare Manu 8. 3 and Yāj. 11. 3

65 Read अग्रज for अग्र in the text

67 Compare Manu 8. 20

68 The jurisdiction to decide cases rests with judges and ṛishyas who belong to the brāhmaṇa and the two other castes. If one who is not appointed a judge but is an officer of the army were to decide a dispute even according to śāstra that would be a decision without jurisdiction and so a nullity just as in modern times if a court having no jurisdiction at all over the matter in dispute were to decide it the decision could be a mere nullity even if on merits the decision may be found to be right.

69 It is settled that one who asks questions with reference to the matter in dispute is a 'prāṇ' (a questioner), he, who distinguishes in that (dispute as to what party is in the right) is thence called 'prāḍivāka' (a judge)

70 If the judge were to hold conversation in private with a party while the matter (in dispute) is undecided he becomes liable to be punished and also particularly the assessors (if they do the same).

[*The Members of the Court*]

71 The best of brāhmanas who are not avaricious who possess wealth, who know the sacred law, who (always) speak the truth and are proficient in all śāstras should be made sabbhyas (assessors)

72 Where the sabbhyas decide (a matter) in violation of the sacred law there dharma (justice) being overcome by adharma (injustice) does undoubtedly destroy (the king).

73 Where justice is slain by injustice and where truth is strangled by untruth while the sabbhyas look on (with apathy), there the sabbhyas (members of the court) are themselves destroyed

74 The members of the court should not connive at the king when he begins to act unjustly, if they do so, they along with the king fall headlong into hell

75 Those members of the court who follow (approve of) the king who proceeds in an unjust manner, also become participators therein (i.e. in the sin due to unjust decision), therefore the king should be awakened by them (to the right course)

69 The sūtra gives the etymology of the word प्रणवक. The judge asks the plaintiff what his case is and the defendant what his reply is and then finds out which of them is in the right. Therefore प्राणवक is a compound of two words प्रण (from प्रच्छ to ask) and वक (from वच् with वृ). It seems better to derive प्राणवक from प्रणवक with वृ as the Vyākṛ. does in the alternative प्राणवक वा प्रणवकावह. विविधवक् वक्ते प्राणवक. Compare Br p 28 v 12 for derivation.

71 Compare Br p 72 v 13, 4 Br p 37 verses 4-5

73 This is the same as Minor 8. 11 and MS add (मन्त्राभ्यामप्येव 8). So it is likely that Katyāyana embodied such a popular verse in his work.

75-6 There is no contradiction in these verses. The latter says that the sabbhya should not then and there oppose the king's decree but should at the moment mollify the king while the former says that gradually the

70 Coming to know that the mind of the king is straying from the path of justice, a member of the court should then say what is agreeable (to the king), (by so doing) the sabhya would not incur sin

77 A member of the court must certainly speak out words (decision) that are in accordance with the sacred law and the science of statecraft. If the king does not listen (to the advice of the sabhya) the sabhya would then be free from sin

78 When a king directs (the judge or member of the court) to do injustice to (to give a wrong decision in the case of) disputants then a member of the court should beseech the king (that his order will lead to injustice) and should turn him away from wrong doing

79 When a sabhya decides wrongly through affection, ignorance, greed or infatuation he should be punished for he is no *that* ~~man~~ *declared to be not a sabhya* (i.e. unworthy to be a member of the court)

80 After correctly understanding how to decide the cases, a member of the court should announce (his decision) he should not announce (his decision) otherwise (i.e. without understanding), if he does so he is liable to a fine double (of what the defeated party in a cause has to pay)

81 Whatever loss is caused (to a litigant) through the fault of the sabhya the latter should be ordered to make it good, but (the king) should not disturb the decision of the matter in dispute between litigants

king should be brought round to see the right path. The reading (in 75) *बोधनीय इत्येष* (the king should be gradually awakened to his duty) is therefore preferable

77 Compare YBr p 37 verse 7 and p 39 v 15 and Manu y 19

79 80 Compare NBr p 22 v 67 and YB; If 4 The Mit on YB; It explains in this way. The words liable to a double fine do not mean double of the matter in dispute since in certain cases (such as rape, abduction &c) the matter in dispute is incapable of valuation

81 This applies where after a decision is pronounced it is found that a wrong decision was given by a corrupt assessor. In such a case the decision stands but the erring assessor has to make good the loss occasioned by his decision

(Graduation among those who decide causes)

82 Family council corporations assemblies one appointed (as a judge) and the king, these have the responsibility in (deciding) disputes Each succeeding one out of these is superior to (each preceding one)

83 The king should investigate the causes of ascetics by those learned in the three Vedas only and also of those who are adepts in jugglery and in yogic practices and should not investigate them himself for fear that he may rouse their anger (against himself)

84 (The king) should give advice (admonition) to those who are of high caste and character, and to his *gurus*, teachers and ascetics through one who is endowed with true knowledge (and not himself directly)

85 That is called family usage which has come down hereditarily in a family as the *dharma* to be observed (by members of that family), (the king) should preserve it (intact)

(Method of questioning the plaintiff)

86 88 (The king or judge) should question the litigant (who approaches) at the proper time (of the court), who bows (to the king or judge) and who stands before him ' what is your grievance, what is the injury done to you, don't

82 Vy Māt. ascribes this verse to Manu also. It is not found in Manu. It is Nār I 7 (vide p 6) TSj II.39 is a similar verse where the word *pūṣa* is used in place of *gāṇa*. Kula or family gatherings are explained by the Mīti as groups of agnatic and cognatic relatives while Vy Māt. explains as 'the family of the parties. Mīti explains āraṇi as association of persons following one trade whether they belong to the same caste or not (such as weavers betel nut sellers &c) while Vy. Mīti explains as association of artisans and traders etc. *gāṇa* means assembly of brāhmanas etc according to Vy Māt. and *pūṣa* means according to Mīti. assemblies of persons residing in one village or city though of different castes and professions. All these are like modern *panchayats*. Compare Br p 281 verses 25-30.

85 Compare Br p 281 v 2* for a similar rule. This verse occurs in Kaṇṣ text p 39.

86 88 *विवादाश्च कृष्याश्च*

86 88 The words *विवादाश्च* and *कृष्याश्च* respectively refer to civil and criminal matters. Br p 32 explains that if the plaintiff were to reply that defendant does not return a debt given to him by the plaintiff in a former life it is not a cause that can be entertained. 'The seal means

be afraid, speak out, man !' The (judge) presiding in the court should ask ' by whom, where, at what time and why (was the grievance or injury caused) When thus asked whatever he replies should be considered (by the judge) with the assessors and the brāhmanas and if the cause be judicially entertainable, then he (the judge) should deliver the (court) seal to the plaintiff for calling (the defendant) or he should order the (court's) officer (to call the defendant)

(*Substitutes or recognised agents of parties*)

89 90 A person though other (than the defendant,) if put forward by the defendant before the judge (as defendant) should be regarded as the defendant and he also who is accepted (by the plaintiff) himself (as the defendant) It is the right of the person charged (to give a reply) and not of another person, since the latter is unconnected (with the dispute) (but) even a stranger may be allowed (to have the right to defend) if he is put forward (as the defendant) by the person charged (by the plaintiff)

91 For whomsoever a man carries on a dispute (in a law court) whether the latter be appointed by the plaintiff or deputed by the defendant, the victory or defeat belongs to the former (and not to the representative)

probably a sealed order or summons The court's officer (or bailiff) was called *skādhyaṣṭā*. Vide *यासु* quoted in *स्मृतिच०* (III 32) *साध्यायस्मृतौ* कर्मणो राजा हाथरव साधक इत्यादिनां वृद्ध वृद्ध एवमात्रं च मते रिक्त II and *Br r* 279 v 15 which says that he was to be appointed to summon parties and witnesses and to keep them in custody (when necessary) For the last verse, compare *वृद्धसति* 'वस्त्राभयोऽपि वृद्धत सर्वनाशक्यादि वा । उदेवाकारये इमां सुखा पुत्रेण वा II' *स रि p 79* and *स्मृतिच०* III p 72.

89 90 See Order III of the Civil Procedure Code on recognised agents some of the provisions of which are very similar to the following verses The general rule is contained in the first half of verse 90 viz. defendant must answer the plaintiff in person to this three exceptions are allowed defendant may send some one as his deputy (2nd half of 90) the defendant charged by the plaintiff may put forward another person as the defendant or the plaintiff may accept as the defendant another person These verses and verse 92 forbid what is called in England *champery* and *maintenance*

91 This is the same as *Nār p 29* verse 27 The appointment may be due to illness or incapacity to argue one's case This verse contains the germs of the modern profession of pleaders

92 Slaves menials pupils, persons deputed, and relative, these should not be punished when they speak (on behalf of another, their master etc.), any one other than these (if meddling in litigation) deserves punishment.

93-95 A representative (of plaintiff or defendant) is not allowed in (charges of) brahmana murder, drinking wine, theft sexual intercourse with the wife of an elder (incest) and in other grave sins . A representative should not be given in manslaughter, theft, indecent assault on another's wife, eating forbidden food, kidnapping of a maiden and intercourse with her, harshness (vakparasya and dandaparsya), counterfeiting coins and in asures and also in sedition, but the man himself (the plaintiff or defendant) should engage in the dispute

(Summons)

96 The king should not summon to appear in person those who are intent upon (engrossed in) performing religious rites for securing (heavenly) reward, persons who are ill, idiots who are not at ease (owing to calamities), who are under the influence of intoxicants who are raving, who are despondent and women

97 (The king should not summon) a young woman whose family is dilapidated, a lady of good family, a woman who is recently delivered a maiden who is of a higher caste than the claimant, (since) these are declared to be under the tutelage of their kinsmen

98 Summoning (in person) is allowed in the case of those women on whom the family depends women who are

96 Compare Nār p 19 verse 22

93-95 The reading of Vy Māt would mean in mutual disputes between sanghas (religious or other associations) . The Sm C reads 'in other disputes of a coarse kind and says that verses 94-95 illustrate what are such disputes . Vide Vt 34 1 for atipitakas

96 For the meaning of अवयुद्व compare वैशाख्यम् एवमुदयानि-
खयमिति = इव

96. Sm C says that women who are dependant are meant here . Compare with this and the next Nār pp 18-19 verses 32-34 and D; p 235 v 34 . The principle underlying verses 96 and 97 in regard to summoning women has been followed in sec 132 of the Civil Procedure Code [Act. V of 1908]

unchaste, courtesan women without family and degraded women

99 A person who asserts his claim with arms in hand, without wearing an upper garment, with hair dishevelled, sitting down on a seat or with his left hand, should be fined

100 He, who when summoned, disregards the king's order (to appear before the court) though able to do so, should be fined by the king according to the method laid down in the (smṛiti) injunction

101 The fine should be fifty (panas) in the case of slight causes (when the defendant does not appear though summoned) two hundred as the minimum in the case of middling ones and in the case of heavy causes the fine should always be 500 (panas) at least

102 Whatever figure is put down as the fine for any wrong must be understood as referring to panas (to be paid to the king) or their equivalent price

(*Restraint or arrest*)

103 He who through bad disposition causes injury or does not give what he is bound to give to one who requests him to do so should be dragged (before the court) by the king's order

104 105 After informing the king of the cause (matter in dispute) and when the matter affirmed (in the plaint) is beyond doubt he (the claimant) should employ restraint (of the

99 A claimant must approach the court in a decent manner This verse is an expansion of the word गृह्य in verse 86 above

101 Apar explains that there are copper panas

102 The reading śakṣitah is better and means according to the ability of the person fined

103 Injury refers to criminal matters and dṛavyam stands for all civil disputes

104 Vir explains that when it is apprehended that some time would elapse before the summons from the king could be served on the defendant the plaintiff should keep under restraint or arrest (called *śaśthā* in Sanskrit) the *dāṇa* dātavyam Nār p 17 v 4 *Āśa* ha (which means arrest or restraint by king's order according to M.) according to Nār (p 17 v 5) was of four kinds when the defendant is told don't go away even a step from this place till the decision is local restraint (*गृह्य*) when he is told you must present your

defendant) till the arrival of the summons. One who deserves to be arrested should be punished, if he breaks (the restraint) when he is arrested.

106 That man who restrains (the defendant) so as to prevent him from exercising his limbs or from talking and breathing freely, when the defendant does not deserve to be (so restrained) should be punished and not the (defendant) who breaks such restraint.

107-108 Those who have climbed up trees and mountains, those who are seated on elephants, horses, chariots and in boats and those who are under difficulties— all these should not be arrested by those (plaintiffs) who want to establish their claims, so also those who are afflicted with disease— those who are overwhelmed by calamities, those who are engaged in sacrifices— those who have not come out (of the litigation in which they are already engaged) the intoxicated, the lunatic and the idiot— these should not be arrested.

109 A husbandman (should) not be arrested at the time of the sowing season nor a soldier at the time of (the marching of) the army, nor one who has gone after having promised (to return) nor should one who has fixed a time (for his appearance) be arrested in the interval (i.e. before that time).

self on the 5th day of the month (Sm c) or 'you must not do a certain thing for a certain time' (Vir) it was temporary restraint (वलाह), when told 'don't go on a journey till the decision' it is restraint of journey (प्रत्यक्ष अग्र) when told 'don't do such and such an act e.g. exposing an article for sale (Sm C) or don't do this or that act such as taking a bath &c (Vir) it is restraint as to actions (विर अग्र). If he disregarded these restraints he was liable to be punished. It will be noticed that 'Asedha' included several modern processes such as attachment or arrest before judgment (section 94 and Order 35 of the Civil Pro. Code) or temporary injunction (Order 39 of the Civil Procedure Code).

107-108 Compare Nar pp 18-19 verses 52-54, Br p 283 verses 36-37.

106 'Those who have not come out &c'— Compare Ya] II 9 'अप्रियत्नमनसश्च न न प्रत्यागतयेत् । आसुप्तं च नाग्र्यं नञ् । अप्रकृतिं नयत्' and Nar p. 19 v 55 and Kaut. (text p 149 'न आसुप्तमिवानागतं') Compare too 135 (2) of the Civil Procedure Code as to freedom of parties their agents and witnesses from arrest while attending or going to and returning from a tribunal.

110 When the husbandman is ready to reap the crop so also when the rainy season approaches, (the plaintiff) should not make (the defendant) engage in the dispute from the beginning (of the sowing of seeds) to the gathering (in of the crops) If (the plaintiff) arrests one who should not be arrested the fixed rule is that he should be punished by the king

111 The defendant when restrained by order of the king should stay (i.e. should not break the order of arrest) and the wise say that (when he is so arrested) others should not attack him (by another suit)

112-113 The king should make the plaintiff give as much subsistence (i.e. boiled rice) to the messenger after the cause is finished as is required for a day or two (that he spent in summoning and guarding the defendant &c.) having regard to the time and place. Those who know the essence (of dharma) recognise that the subsistence (i.e. food) due to the summoner in all cases depends upon the time, the place, the age (of the summoner) and the ability (of the parties)

(Persons not acceptable as sureties)

114-116 The master an enemy, one authorised by the master one who is under arrest one fined those who are accused (of grave sins) one who is a sharer in family property, an indigent person those who are under a vow of perpetual studenthood one who is appointed on the king's business, those

109-110 Compare Br p 228 verses 36-37

112-113 Compare Kaut (text p 149) who says that 'the wages for the purusa are one-ogith (of the fine or matter in dispute) that the subsistence on the way (for witnesses) depends on the value of the matter in dispute and that both these should be paid by the party that is chastised by the king. The last means that the costs of the suit fall on the defeated party. Dr Sham Shastri's translation (p. 190) 'less for witnesses shall cover $\frac{1}{2}$ of the amount' is not correct, as 'purusa' does not mean witness but bailiff. Vide notes on verses 86-88 above.

114-116 'Santayastha' is explained as abhastha which is explained by Haradatta as one guilty of the grave sins enumerated in Apastamba dharma-sutra I 7 21 8. 'rikthi' means one who has a share in ancestral wealth such as a brother. 'atyantavāsinaḥ' is explained by the Mīt as 'naisth kabrahmacārinah'. The Vṛ p 58 says that the Madanaratna read 'anyatra vasinaḥ' which it explained as,

who are ascetics (*sannyāsina*), one who is unable to pay (the money due or amount in dispute) to the creditor (or successful party) and fine equal to that (the amount in dispute) to the king one whose father is living so also one who incites (the party from whom surety is demanded), one whose antecedents are not known (these should not be accepted as sureties)

117 If there be no surety given by the plaintiff who has a proper cause for dispute, he should be guarded and should give to the messenger (the person who keeps guard over him) wages at the end of the day

118 A person belonging to the three higher castes if without a surety should be (confined) guarded by (warders) who stand outside (the lock up), but (the king) should keep Sudras and others confined and fettered (if they cannot give sureties)

119 If he (person without surety) breaks (the restraint) and runs away he should be fined eight *prastā* but in the case of persons of all castes there should be no obstruction to the performance of (daily) obligatory actions (or duties such as bathing, worshipping, sandhyā prayers &c)

120 The king should not allow a litigant to proceed with the litigation if he retains the property or money which he has (been shown to have) seized it should be delivered

* dwelling in a different country Yā; I 10 lays down that the judge should require both parties to give a surety who would be able to pay the decretal amount and the fine that the defeated party would have to pay to the king (उभयं गृह्णीतुं सदा वयमिच्छाम) These verses enumerate those who are not proper sureties

117 The reading *yogyastu vād nāh* would be preferable (meaning ' for the two parties a surety who is a fit one in relation to the matter in dispute) but it is doubtful whether it is the original reading

120 Read *gṛhṇīta* for *grahita* in the text According to the Sm C this verse applies to a litigant who is shown to have seized upon the property in dispute hence a case he should be made to hand it over to the other party if the latter is worthy of being entrusted with it or it should be handed over to a third party Here we have the form of the appointment of a receiver under Order 40 of the Civil Procedure Code The Vy Māt reads *vyāyo* for *vyāra* and explains differently *grahana* means property pledged or mortgaged * If a creditor sues for recovery of money charged on some

over to the other litigant or should be kept with a third person (as receiver)

(*The order in which plaintiff and defendant are to address*)

121 The plaintiff (hit the attacker) should first affirm (his case) and then the defendant (the person attacked) When they both have finished, the members of the court (the sabhyas) and after them the judge (should speak)

122 123 Whoever has suffered greater injury or whose matter is more important should have the position of the plaintiff and not he who first informs (the court) Whoever suffers greater loss of wealth or greater bodily injury should be given the position of the plaintiff and not he who first informs (the court)

property the suit should not be proceeded with as long as he retains the property hypothecated the property should be first returned to the debtor defendant (if he is worthy of trust) or should be kept with a receiver The words of Vy Mit are अथ च यः प्रकृतं उत्तमत्रयमपवर्ण्य वचसे प्रत्यायत । अस्तवत्तु वचसे रथ वन वम् । स्ववमर चावन समुपस्थित इत् प्रत्यारि विषयम् What follows these words is not quite clear

121 The plaintiff's affirmation is called *pratyāṅga* or *purvapakṣa* and the defendant's *uttara* . The order in the case of sabhyas and judge does not apply to the preliminary questions they put to the plaintiff but only to their deliberations after they have heard the parties viz to *kriya* and *niraya*

12ⁿ This verse states an exception to the rule contained in 121 The general rule is that he who first approaches the court with his complaint is the plaintiff and *dominus litis* . Compere Nār अथ नर पट्टर दामन वा आ । एव विक्रयो वा क्रया वा । राध कुवात्पुत्रमावर्तन वरस्य इव पूर्ववक्षो वयिह ॥ Dr Jolly (Bar p 34 v 38) is wrong in translating it known as defendant (it should be as plaintiff) . Where both parties are in the position of plaintiff and defendant (because both make a claim against each other as in a partition suit) Br lays down the rule that where groups of persons come together claiming to be heard first then the position of being first heard should be given according to the order of castes or after looking to the gravity of the injury or loss of each (vide Br p 290 v 4) . Vide Manu 8 24 for the proposition that the causes of litigants should be investigated in the order of the four vargas . Vide Vir p 61 for elaborate rules . First rule is that he who comes first should be heard first The second is that if several persons come at the same time precedence is governed by the order of castes . Where the injury is greatest that case should be heard first irrespective of caste or time of coming . Time of coming to court is followed when caste is same .

(*Characteristics of a plaint*)

124-126 The plaint should be presented after putting down the period (of the transaction in dispute with reference to the king then reigning), the year, the month, the fortnight (bright or dark), the tithi (lunar day), the time (of enjoyment of the matter in dispute), the location (of the land &c) the country, the place (village &c), the caste or species, the position of the body (or limbs), the age (childhood, youth &c), the dimensions or measurements of the thing sought to be recovered (by suit), the material (*dravya*, in dispute), the amount (of money &c in dispute), plaintiff's own name, the names of the kings (of the country) in order, the dwelling place (address), the name (or description) of the thing claimed (i.e. the relief claimed), the names in order of ancestors (father, grandfather &c of both parties), the injury or loss (caused by the defendant), the person who got (the property by gift or sale &c) and the donor (or transferor), the reasons why the plaintiff submitted (to the enjoyment of his property by the defendant for a time) and other (necessary) details

127-128 In disputes about immoveable property (the plaintiff) should set out (in the plaint) the following ten (details) viz, the country, the place (village &c), the situation (boundaries of the field &c, or the figure) the caste, the name, the dwelling-place (of the parties), the measure, the name of the field, the father and grandfather (of the parties) enumeration of the former kings

124-126 These verses are an elaboration of similar verses of Br ' उपरिवत् सर्वज्ञस्मिन् वारी पशु प्रकल्पयेत् । निरक्षय संप्रति प्रमाणायमस्तु नमः । देवस्वान समामासपक्षादनादि नाम च । द्रव्य मत्प्रीत्य पीडा समालिङ्ग च लेखयेत् ॥ म्य वा p 294 and सुविच० III p 81 Vide Yāj II 6 and V M (text p 12) for a similar quotation from another smṛti. Compare Civil Pro Code Order VII rules 1-3 and 6 setting out contents of the plaint. All the above need not occur in each plaint, but they must be stated according to the facts of each case

127-128 'Measure' means 'so many *nicorāṇas* in extent (or acres as in modern times)'.

129 Whatever (the plaintiff) being inflamed by any one of the persons such as last speaks before the court should all be reduced to writing on a wooden board or some similar material with the word yes

130-131 He (the plaintiff) should delete superfluous (or unnecessary) matters (from the plaint) and should fill in gaps. He can set forth on the floor (additional matters or delete them) till the (form of) the plaint is finally fixed. The judge should have the plaint written down on a board with chalk as narrated naturally (by the plaintiff) and then on a leaf (or paper) when it is corrected.

132 He (the scribe) who writes down the words of the plaintiff or the defendant differently from what they narrate should be punished as a thief by the king who desires to enforce *dharma*.

133. He (the plaintiff) should get (time for setting out his plaint) till it can be drawn out of him or for three or seven

129 *Āṅg5d* nām refers to *rāga* / sexual desire / *krodha* (wrath or anger) and *lobha* (greed) or as *Sar* says to *rāga* (passion or love) *dveṣa* (hatred) *lobha* and *moha*. *Karaya* means *adhikaraya* (hall of justice). This rule requires the scribe of the court to put down in writing whatever specially important circumstance a plaintiff lets out in a moment of passion. An instance of point is the remark of the *Bakka* in the *Mycobakāṅka* where he adds *va mayā*. This verse is also the same as *Ār* in 27v 18.

130 131 These verses provide for the amendment or striking out of unnecessary embarrassing or scandalous matters from the plaintiff's Complaint. Compare Civil Procedure Order VII rules 5-16-17. The word *bhūman* also includes wooden board etc. on which the plaint is written. At first the plaint should be written on the ground or a board as a draft and after amendments and striking out the final plaint is to be inscribed as a court document on birch bark or palm leaf or paper. Compare B. p. 293 verses 14-15. Amendments were to be allowed until the defendant filed a reply. *Vid. Nar. p. 25 v. 7*. Narrated as *śānti* means 'without fear or pressure from the judge or assessors etc.

133 This and 145 contain exceptions to the general rule that plaintiff should get no time from the court to set out his plea or answer the plaintiff comes to court after well considers the strength of his case and determines to prosecute it. *कम्पेनारन सुविनयक मन्तरथि स्वाधयन दितोत्तल वेवुवन - सु कुनर वेवेनलव* (quoted in *म म* p 290) and *NR p 24* 13 वेवेनय also says *कनवामवेनय विनयि कालमिपुका* (p 148) *Solkhanam*.

days so that the man who wants to narrate his dispute collects his wits.

134 Since he (the plaintiff) makes his resolve (to file the suit) a long time after the cause of action arises, therefore he does not get time (after coming to the court), but the opponent gets time (to file his reply)

135 Where in a suit the wits of the plaintiff or defendant desirous of (prosecuting) his claim forsake him, there time should be granted to both plaintiff and defendant

(*Defects of a plaint*)

136 The plaint that is opposed to (the interests or usages of) the country that is prohibited by the king, that contains a mixture of several titles of law, does not succeed (i e must be rejected as bad).

137. A king, from a desire to find out the truth, should certainly entertain even such a cause as contains many pro-

makes no clear sense. So it would be better to read 'ओ सेखन' (meaning writing down the next day. Narada has the verse 'ओ सेखन वा स समेद म्पद सप्तादयेव वा । अथ सुनत्पदे तु युक्त सरो घट जय ॥' (vide Nār p 24 v 3) But the first half of that verse in the context refers to the defendant's getting time

134 The Vy MS: (p 190) says that Kāt here simply explains the two words 'सुनातदवयव' and 'सकदेदिनिश्चय' in Nār., quoted under the last verse which are adjectives (qualifying the noun plaintiff) that contain the reason why plaintiff after he comes to court should be allowed no adjournment to present his plaint

136 Compare Bp p 291 v 11 and Nār p 26 v 11. Apar says that a king's order 'in my kingdom there should be no dealing in rupees' is an example of what is prohibited. A plaintiff saying 'defendant stole my gold, I deposited a thousand drammae with him, he sold a cow to me without being its owner' is an example where several padas (titles of law) viz. steya, niskepa and asvami vikraya are mixed up. This would cause confusion if they were to be all investigated at the same time as the evidence in each case and the burden of proof would vary. Therefore these several titles should be investigated at different times. Vide Civil Pro. Code order II rules 4 and 6. The words bhāṣa 'pakṣa' and 'pratilāṣa' mean the same thing as the Mit on Yāj II 6 says

137 This rule is not opposed to the preceding. It can be explained in two ways. If several causes of action [such as recovery of debt deposited sale without ownership] are mixed up in a plaint the king may accept it and investigate them at different times. Or the verse may mean that the cause of action (such as *reṣṭāna*) may be the same but the several

positions and as is stated definitely so far as judicial requirements are concerned

188 That plaint is regarded as unacceptable which lacks (the mention of) the time and place (of the cause of action) that omits the (statement of the) material (*dravya*) claimed or the amount and that is wanting in the dimensions of the thing claimed

139 The plaint of that man who does not write down that the opponent does not wish to do what is just or that he does what is unlawful does not stand (or bear fruit)

140 He (the king) should abandon (not entertain) a plaint as vitiated that contains an unknown (or imaginary) grievance, that discloses no injury, that contains letters making

items in it may be different and so the reliefs may be different (e.g. as Apar says a plaint may assert that defendant borrowed a hundred gold coins in Benares purchased a year afterwards some cloth and then in another place purchased cows or corn) Such a plaint is not bad

138 Compare Nâr p 26 v 11

140 The Vy Mât (p 29) notes that Bṛ had almost the very verse (Bṛ read *śadosam* cā for *alīkṣidham* and *pakṣam rāṣṭraṃ varjayat*) and quotes five verses from Bṛ to explain these &c There is no agreement among the writers on the meaning and examples of these According to Apar and Mî the example of *aprasiddha* is my horse's horn has been taken away by the defendant while according to Bṛhaspati *aprasiddha* is that grievance which was never asserted by anybody and the Vir notices this example and says that it would be an example of *śāddhya* according to Bṛ and gives defendant stole my field drawn by a thousand ploughs as a proper example The Vy Mât criticizes this and the other examples given by the Mî and Apar as opposed to Śāstra An example of *śadosam* or no injury is defendant carries on his work by the light of the lamp in my house According to Mî and Apar a plaint containing the letters *ka ca ta va pa* is incoherent Bṛ gives two meanings of *nartha* v z where the injury is so slight that no man of ordinary temper would complain about it (compare sec 95 of the Ind an Penal Code) and the example would be he looked at me with a smile Another meaning is a plaint that contains no information that can be brought under the fourteen titles of law beginning with *ruddha* that are based on money (i.e. civil actions) An example of *nāparyojana* is he is as sweet as I near my house Bṛ accepts this meaning and gives another v z a plaint which does not contain information that can be brought under any of the four or five titles of law (such as *pāruṣya śhāsa* &c) An example of *śāddhya*, according to Mî it I was rebuked by Devadatta with the knitting of his brows Wis

no coherent sense, that gives no cause of action, that is incapable of proof and that is self-contradictory.

141. Those cognizant of (the true nature of) a plaint declare that to be a proper plaint which is free from the faults of a declaration, which is capable of proof, possessed of good reasons, definite and not self-contradictory.

142. (The plaint should be) concise in words, abundant in meaning (contents), unambiguous, not self-contradictory, free from arguments that would defeat it and capable of refuting opposite arguments.

143 When the plaintiff presents a plaint as described above, then the defendant should give his reply corresponding to the (contents of the) plaint.

144 If a statement, being asserted by the plaintiff in the hearing of the defendant, is not traversed (by the defendant) or if the defendant remains silent when he should have given (a reply), it (should be held by the court that it) is admitted (by the defendant).

nesses can hardly be found to prove this nor can there be any writing and as it is a slight matter deeds are inappropriate. According to Br. 'hare shorn is stolen' would be an example of 'asādhya'. An example of 'self-contradictory' would be 'I was cursed by the dumb man', while Br. explains 'viruddha' to mean 'opposed to the interests of the country, the capital or the king'.

141 The Vy. Māt has a lengthy discussion on this verse, particularly on the first half. In Sanskrit logic *pratijñā*, *pakṣa*, and *sādhya* are words sharply distinguished from each other, while here in this verse they appear to be practically identical. Vide my notes on V. M. p. 26. Akṣada declares 'pratijñā' to be the essence of all judicial proceedings (Vy. p. 5 v. 6). If the plaintiff changes his pleading, he loses, similarly his assertions in the plaint must not be opposed to common experience or *pratyakṣa* or self-contradictory. The faults of *pratijñā* are enumerated in Vy. Māt as follows. प्रत्यक्षदूषणं च परस्परविरोधादेवदोषो-प्रतिज्ञान्तरकरण-प्रतिज्ञाहानि-प्रतिज्ञासन्वत्तामयान्द-धर्मिष्वकप्रवण-विरोध-वदोषोपमानप्रमादप्रमाणवाच्यत्वादीनि । अतिप्रमाणमन्यमानादोषान्तगाव च । प्रतिज्ञादपमप्येति धर्मव्यवहारी नान्तराद्ये" इति (p. 292). The words 'capable of &c.' mean that the plaint should anticipate such pleas as limitation, res judicata and state how they would not affect him.

142 Compare Civil Pro. Code, order VI rules 1 and 7.

143 Compare Nṛs. p. 24 v. 2 and Yāj. IL 7 and Br. p. 290, v. 7.

144 Compare Civil Pro. Code Order VIII rule 5.

(Whether the defendant's reply must be given at once or after some time)

145 If after hearing the matter (the plaint) consigned to writing the defendant for some (proper) reason requests for time in the suit it should certainly be given to him

146 (The reply should be given) at once or in one day or three or five days according to the importance (of the matter in dispute) He (the defendant) should get three fortnights or a week in (suits for recovery of) debts and similar causes

147 The king should grant little or long time to the defendant looking to the time (of the transaction in dispute), the capacity (of the parties) and the gravity or slowness of the causes

148 Time should be granted (to the defendant to file his reply) viz a day a month or a fortnight or a season (two months) or even a year or even beyond that according to the requirements of the importance or otherwise of the cause

149 Where the value (of the thing in dispute) would deteriorate or there would be destruction or loss (of the thing) there no time should be given (for a reply) since the matter is urgent (lit. ending in total loss)

150 151 In (disputes about) cows bulls fields women marriage deposit loans (of things for use) gifts purchase and sale violating a maiden theft quarrels (parusya) wrongs attended with force treasure deceit perjury (the king) should make (the defendant) reply at once

152 (The king) should make (the defendant) reply quickly even at an unusual time in disputes about crimes attended with force theft parusya (abuse assault and battery) cows accusations (of having committed grave sins) urgent matters land (Thus says) Brhaspati

147 Verses 144-155 explain what time to file a reply is to be granted in accordance with the time of the transaction in dispute while verses 156-158 refer to time given according to capacity and verse 148 determines the time according to gravity of the cause

149 Compare Br p 293 v 6

149 For the meaning of Ātyaya compare ātyaya below in verse 152

150 Compare YS; II 12 and Nār p 17 v 4 for a very similar verse.

Ātyaya means loss or loss of destruction of the thing in dispute. At an unusual time means even at night.

153 As regards causes (or transactions) that arise at once the king (or judge) should make (the defendant) file his reply at once or he may give time to the defendant in causes which arose a long time ago

154-156 When the transaction is recent (the reply must be made) at once when it is a month old a day may be granted (for filing the reply) when it is six years old three days when it is twelve years old seven days may be given, when twenty years old he (the defendant) should get (a delay of) twenty days or half a month when thirty years old a month beyond that (i.e. when more than 30 years old) the time may be three fortnights or (the king) may himself grant as he wishes any time short of one year (he may grant) a year to those who are idiots or lunatics or overwhelmed with disease

157-158 Where (the defendant) has gone to another land or if the whereabouts of the subject-matter (of dispute) are not known or the vendor of a thing or the witnesses are staying in a foreign land the time should be granted to men (defendants) till they return to their country Even when once time (or adjournment) has been granted it may have to be given again looking to the importance of the cause

159 After that (i.e. after the plaintiff has finally completed his plaint) the opponent who has heard the contents of the plaint should narrate (to the court) his reply corresponding to the contents of the plaint

160 If a person (the defendant) does not present himself when a decision has to be given on usages the gift (or return) of money derails actions and service (or worship of deities) then (the king) should not cause an error (in the decision by deciding in defendants absence)

157 Muta means the persons from whom a thing is bought in cases where one herman claims ownership etc. V do Vir p 32

160 The sense of the first half is not quite clear chala means mistake or mistaken utterance Compare Yaj II 12 go [inter] and Yaj p 13 verse 25 it may be founded on it
an error etc

161 If at that time (when defendant has to give a reply) there is an obstacle due to fate or the king, he (the defendant) is not defeated (in the suit) merely by his not challenging (the plaintiff's assertions) or his giving up (his defence)

162 (The defendant) should establish the defects (i. e. calamities) due to fate and king by means of witnesses, but (the defendant) who acts crookedly (perversely) should be made to pay a fine equal to the money (in dispute)

163 The opponent (i. e. the person attacked) should (not) deliver a counter-attack against the plaintiff in any matter except in cases of assault and battery, theft, adultery, and urgent matters

164 The king should cause (the defendant) to give a reply according to the requirements of justice after paying regard to whatever rules of practice have been handed down traditionally in matters (of dispute)

(Reply of four kinds)

165 A reply may be of four kinds viz admission of the truth (of the plaint), denial, a special plea, and the rule of former judgment (or *res judicata*)

166 If the opponent on hearing the contents of the

161 * *Daivaraṅkṣito doṣaḥ* means interference due to an act of God or the king's action (not state) : i. e. irresistible force Compare Br p 205 v 9

162 Crookedly &c means if the defendant absents himself without there being any difficulty due to act of God or king a decree *ex parte* should be passed against him and he should be fined

163 The proper reading seems to be अभिवोक्तं नमिषुक्तं The reading in the text would be opposed to 18; II 9 'अभिवोक्तं नमिषुक्तं' नैनं श्रावयिष्येति । कुत्राऽन्यत्र नमिषुक्तं च नल्लक्ष्यते । गोटेय (III 1 p 143) अभिवोक्तं नमिषुक्तं न श्रावयिष्येति न भव्यं कलङ्कस्य हस्तप्राप्तमवश्यम् and Nār (p 19 verse 33) For *Ātyaya* vide verse 132 Compare Civil Pro Code order VIII c 6 The idea of this verse is that defendant should not be allowed to demand by his reply an independent claim that does not arise out of the same cause of action or transaction as that in the plaint For such a claim he will have to file a separate suit But if plaintiff alleges assault by the defendant the latter can allege prior assault on himself by plaintiff

165 Compare Nār p 25 v 4 and Br p 294 v 9

plaint denies them either in express words or by implication that is a reply of denial

167 If the opponent were to deny the cause of action (contained in the plaint) that should be understood in judicial procedure as the reply of denial

168 Declaration of the truth of the claim (in the plaint) is said to be (reply of) admission

169 A reply of denial is of four sorts (i.e. put in any one of the following forms of expression), viz. 'this is false', 'I don't know anything about this', 'I was not then present there (at the transaction mentioned in the plaint)', 'I was not born at the time (of the transaction in plaint)'

170 If the defendant accepting the matters set out by the plaintiff as correct, sets up a plea, then Brhaspati declared that the plaint becomes weak (i.e. fails)

171 That is declared to be (a reply of) former judgment when a person though defeated (lit. sunk) in a (former) proceeding, again causes (a plaint) to be written and is addressed (answered) with the words 'you were formerly defeated'

172 (The reply of) former judgment is of three sorts (when the defendant says) 'I shall establish by means of the presiding judges or witnesses or a document that he (the plaintiff) was defeated by me formerly'

167 The Vy Māt p 301 ascribes this verse to Bṛhaspati

168 The reply of confession or admission is variously named *satyottara* or 'sampratipattiyuttara'.

169 This is practically the same as Nār. p 20 v 5

170 Vir reads 'Bṛghu said'. 'Adharya' means weakness of the plaint. The Par M (III p 72) ascribes the verse to Bṛhaspati and qṛ 11 for q ṛ 11 in the footnote. An example of *karavottara* or *pratipattiyuttara* is where the plaintiff says that defendant took hundred rupees and the defendant replies either that he returned them or that they were gifted to him. The reading 'Bṛghu' of Vir seems to be an emendation purposely made and Kātyāyana appears to have taken three quarters from Br and substituted 'adharyam etc.' for 'pratipattiyuttara' in the text of Br.

172 A plea of former judgment could be established in three ways viz. citing the judges who decided the former case, by witnesses who knew of the decision or by means of a document (the written judgment in the former case).

(Defective answers or defects in answers)

173-174 A reply that is understandable or self contradictory, incomplete too wide dubious impossible not clear irrelevant full of the fault of exaggeration that does not thoroughly meet (all the points of the plaint) that interrupts the plaintiff in stating his plaint mysterious making no sense unconstructible without further exposition unreasonable (or absurd) is not commended by the wise That reply which interrupts the plaintiff in setting out the plaint, that does not thoroughly meet (all the points in the plaint) that is mysterious or makes no sense that is unconstructible without further exposition and that is unreasonable does not conduce to ones success

176 That reply is understandable which is narrated by one who does not know the peculiar marks (of the matter in dispute such as the colour of a cow) or the figure (having long horns &c) or the number (such as a thousand) or the particular convention (or times of the matter in dispute) or is narrated in a language other (than the one known to the judge or assessors)

177 That reply should be regarded as self contradictory when (a defendant) says thus I returned in my boyhood (plaintiff a dues) and (again says) I did not return

173-175 Here again the terms are differently explained by different writers Vāṇīśvar notes to V M pp 98-29 Besides verses 174-175 seem to be only different readings current in different localities All the terms except a few are explained by Kāṭh himself in verses 176-186 Compare Br p 293 v 6 An example of an impossible reply is where a person of 20 says my grandson returned the debt Vāṇīśvar explains not clear as meaning one of which even the letters cannot be easily made out An example of full of exaggeration given by the Sm C and Parāśaramadhyāyins when the plaintiff asserts defendant has to pay me a hundred the defendants reply is I paid two hundred

176 The explanation of the first half is in accordance with the Parāśaramadhyāyins

177 According to the Mīt (on Ya) II 6) and Aparākula in verse 176 means the same thing as vṛddha The example of ākula given by the Mīt is where when the plaintiff charges defendant with a hundred suvarnas the defendant replies that he took them but does not owe them to the plaintiff.

178 That is said to be an incomplete reply where (a defendant) for saying ' this plaintiff was formerly defeated by me in this very matter ' only says ' he was formerly by me '

179 That reply is too wide when (in a reply of admission) having to say ' I took ' (as alleged in the plaint), the defendant says ' I have carried out what was to be done ' and then adds ' I formerly took the property or money (alleged) '

180 The wise hold that the reply is ambiguous in a judicial proceeding when instead of replying ' dayam mayā ' (' it has to be returned by me ') he gives such a reply as ' mayā dayam ' (which means both ' it has to be given by me or it has not to be &c)

181 That is declared to be an irrelevant reply where (the defendant says that) the plaintiff either through strength or weakness formerly concealed a crime attended with force, this is regarded as unsaid (i.e. as no reply)

182 That reply is said to be not meeting thoroughly (the plaint) when to a plaint averring ' I gave to him a thousand and a half ' the answer given is ' that half I returned '

178 Here the defendant omits the important word ' defeated ' and hence the reply is incomplete. The Mit and Apar say that the example is where in a plaint charging a debt of one hundred the defendant says ' Yes I owe five '

179 The Mit says that an instance of a ' too wide ' reply is where, when the plaint avers a debt of one hundred the defendant replies he owes two hundred

180 The expression mayādayam may be read as ' mayā dayam ' or as ' mayā dayam ' owing to ' asagraha '

181 ' balibalaena ' may also mean very strong on the analogy of such words as ' carācara, calicula, patāpata ' vadāvada. The defendant in this avoids replying to the substance of the plaint and only puts forth something about the bad character of the plaintiff. Compare section 52 of the Indian Evidence Act which says that proof of character is irrelevant in civil proceedings and section 54 about the character of the accused in criminal proceedings

182 An example of avyāpti (which is the same as ' avyāpaka ') is according to Apar where the plaint says ' he took a hundred in Ujjain in the month of Caitra ' and the defendant replies that he did not take in Ujjain in Caitra. This is an evasive reply. He must say he never received anything from plaintiff. Compare Civil Procedure Code Order VII^r rule 4

183. That reply is said to interrupt the (plaintiff's) words where, before the plaintiff has completely set forth his plaint, (the defendant replies) ' I did not formerly take (from him)'.

184. That reply is said to be mysterious in judicial proceedings when the reply is ' how will anyone give a red lotus that he (plaintiff) did not accept? '

185. Those who know the (principles about) replies regard that reply as making no sense when it is put in the form ' Is it always to be given by him alone? It may be given by me ' (or is it always not to be &c.)

183 'Vyastapada' is differently explained by Mit as meaning 'that sets forth a different title of law' and the example given is when plaintiff avers that defendant owes a debt of a hundred the defendant replies that plaintiff kicked him. Here 'title' alleged is 'rpidāna, but the reply contains the title' 'dandaparasya. The Vyavahira tattva notes that Bhavadēva read 'astavyastapadavyāpi' and explained it as meaning 'full of words having no connected meaning'. This would be somewhat like 'ākula' Vide Vir p 85 also

184 The idea is defendant meant to say that he offered back the red lotus to the plaintiff but he did not receive it and so he could not return it. He does not expressly say so, but puts forth his reply in the form of a question and in a way that is not clear. Besides the word 'kṣmarasa' was not well known not being universally used and being a word borrowed from Mlecchas. Vide Sabara's Bhāṣya on Jaimini I 3 10. This is the explanation of the Parāśaramīdhariya (III p 74). The Sm C appears to take it differently. The defendant really meant to say ' I did not take a red lotus from you and therefore I do not give it back.' The Mit explains a guṇārtha as containing an inuendo against the judge or assessors or the plaintiff's g when plaintiff says ' he owes me a hundred and defendant replies ' do I alone owe to him (suggesting that even the judge and sabbayas owe to him) Apar explains it as meaning ' containing words the meaning of which is not well known and gives 'arpani / in the sense of cow' and 'kṣīyapi' (the earth) as instances.

185 The first half contains a question and the answer is doubtful, depending as it does upon the tone in which it is uttered. Besides sadā dayam and 'mayā dayam' are ambiguous as we may separate the words into sadā dayam 'and sadā adāyam. Vide note on 177 for the meaning of 'ākula' given by the Mit

186. That reply, which is in the form 'crows have teeth' though (as a matter of fact) crows have no teeth is called 'asāra' (absurd), in truth it is not a good reply.

187. (A reply) that falls short of the matter in dispute, that is not clear, that is incomplete or too wide or unconnected, or not thoroughly covering (the points of the plaint), that is absurd or dubious, cannot traverse (defeat) the opponent (the plaint here).

188. That can never be a (proper) reply which is ambiguous, irrelevant, incomplete, too wide, covering only a part of the plaint.

189. That is not a (proper) reply which is a reply of admission as to a portion of the plaint, and a reply of a special plea as to another part (count in the plaint) and is also a reply of denial as regards another portion, since there is a blending (of several kinds of reply).

190. In one and the same proceeding, the burden of proof cannot rest upon both the parties (at the same time) nor can both succeed in (simultaneously) establishing what

186. The *Śūl* says 'asāra' means opposed to reason or common sense and gives the instance where plaintiff avers that defendant borrowed a hundred rupees at interest paid the interest but not the principal and the defendant replies that he paid the interest but never took the loan.

187. The reading is probably 'prastutid-anyaś' for 'alpaś' and it would mean 'irrelevant'.

188. If there is blending of several kinds of reply at the same time, it is an *ṭṭṭṭṭṭ* and not a proper *ṭṭṭ*. This is the view of *Kā*. The reasons are given in the following verse. But if the various kinds are not investigated at the same time, there is no defect.

190. For a detailed explanation of this verse, vide my notes to *V M* pp 22-23. *Kṛi*, as *Kā* himself explains in verse 216 below, means 'means of proof such as witness, documents etc.' and it also means 'burden of proof'. In a reply of denial the burden is on the plaintiff. In a reply of special plea or former judgment it is on the defendant. In a reply of admission there is no necessity to adduce proof. If a reply is a combination of denial and special plea (or *res judicata*), the burden of proof will be on both parties. The plaintiff and defendant cannot simultaneously proceed to discharge the burden. This is stated in the first half. If both parties cannot be allowed to discharge the burden of proof simultaneously, they cannot both succeed at the same time. This is set forth in the words 'na cchīdiddhīrabbhayaḥ'. If a defendant combines a

they desire to prove nor can two methods of proof be employed (simultaneously) in the same proceeding

(*Matters that cause failure in litigation*)

191 If (the defendant) after accepting what is first stated (by the plaintiff) were to set forth in his reply a plea stronger (than the averments in the plaint), then the latter (the plea) has to be established (by evidence) and not the former (viz the averments in the plaint).

192 (The defendant) should give a reply corresponding with the matter (alleged in the plaint) (the king or judge) should, if he does not (voluntarily) give a reply, compel him to give it by means of such methods as coaxing, deceitful tricks &c till the object (viz the giving of a reply and finding out the truth) is accomplished

193 If any matter is not alleged by the plaintiff (in the plaint) either through oversight or fraud but is given out in

reply of a special plea with a reply of former judgment: they have to be proved by means of different evidence. For example where plaintiff avers he owes me a hundred suvarṇas and rupees and the defendant replies the suvarṇas were returned and as to the rupees there is a former judgment the fact of the return is to be proved by witnesses or by a receipt (or other document) while the judgment has to be proved by producing the *jayapatra* or citing the judge as witnesses. The means to prove the special plea will not prove the former judgment and *vice versa*. Hence a simultaneous reply of special plea and former judgment is not proper as two different means of proof will have to be simultaneously employed. This is set out in the words *mā calkātra kriyādvayam*.

194 This only means that in a *kṛapottara* (reply of special plea) the onus of proof is on the defendant. Compare verse 170 above.

195 The four well known means are *śūna dāna bheda* and *danda*. They are defined by *Īrīṭa* as *दण्डश्च दानं भेदश्च साधु दर्शनम् । अर्थापत्त्य दानं दण्डस्यापत्त्य चतस्रः ॥* (quoted in *Sm O III* p. 104). The same work quotes a verse of *Varaṇa* enumerating seven means: *‘दण्डित्व साधनेषु च दण्डश्चैव चतुश्चतस्रः साध्याभेदेन सप्तानामपि च सर्वविज्ञानम् ॥*

196 While the reply is in course of being given if the plaintiff alleges any matters in addition to those stated in the plaint, the plaintiff may be allowed to do so and the defendant's reply to the additional

the midst of the reply, then it should be accepted (by the judge) so far as both (the plaintiff and defendant) are concerned

194 When a defendant though urged by the (four) methods, would not give a reply, he should be regarded as defeated after seven days have expired and should give (to the plaintiff what he claims)

195 If a person after lodging a plaint abandons (his original claim) or puts forward a different one he (must be deemed to have) resorted to a totally different case Such a plaintiff becomes a losing party

196 If a person who having made an attack or charge against another (afterwards) says I did not put forward any dispute (against him) he thus becomes one who speaks contra history things (the judge) should direct him also to be a losing party

197 That plaintiff who having caused (his plaint) to be written (on paper or a leaf) desires to subtract sentences from it or to add them to it would become a losing party He does not deserve to be the plaintiff

matters may also be accepted This implies that after the reply is completely set out the plaintiff cannot add any thing This is expressly stated in verse 206 Compare Civil Pro Code Order VI r 17 and Order VIII rule 9

198 Compare Order VIII rule 17 and order IX r. 6 Vide also Kant (text p 149) and translation p 150 the defendant may be allowed three or seven days etc

199 Compare B&R p 19 v 36 and p 23 v 24 and 25; II 8 The V M notes that such a plaintiff becomes liable to be fined but does not altogether lose his case if it is of a civil nature (text p 19) For the fine in such a case vide verse 20 below Kant also enumerates (p 149) many causes of Parokṣa the first of which is (setting the point first set out being given over to another

200 The Sm C explains it as so long as the plaintiff writes only on the ground with chert etc the plaintiff is allowed to add to or subtract from it (vide verses 193 above) and that this verse applies only when the reply has been fully set out If he adds or subtracts while the reply is being given he is only to be fined but does not lose his case altogether

198 The wise hold that the members of the court (*sa bhyas*) and witnesses are (called) ' *kriyā* ' He is styled ' *kriyādvēṣi* (shunning judicial investigation) who through ignorance (or infatuation) hates (or avoids) that *kriyā* '.

199 (A litigant) if he does not present himself (before the court) after he is summoned, he loses his cause at once

200 If a litigant even when asked speak out does not say anything (remains silent) he deserves to be at once confined (in jail) The next day that foolish person should be understood to have become a losing party

201 Where he (a litigant) desires to obtain a long time (a long delay or adjournment) merely under a pretext, that should be regarded as deceitful and is declared to be a reason leading to loss of the cause

202 One who changes his pleading should be fined five paṇas, one shunning judicial investigation should be fined ten paṇas, one failing to appear twelve paṇas, one who remains silent sixteen and one who absconds after receiving summons twenty paṇas

198 Accord ng to Nār p 31 v 23 there are five classes of persons who may be called *hīnavādī* (cast out in the r pond ng su t) viz *anyavādī*, *kriyādvēṣi*, *nopāsthī*, *n rutiāva* and *āhūtaprapallāyī*. Verses 198-199 illustrate the first. Th s verse ill strates the second. Verse 202 lays down the fines for each of these. Vide B; p 195 v 5 for four kinds of *hīnavādī*.

199 This speaks of *nopāsthī* of Nārada compare Order IX rules 4 & 5

200 This explains *n rutiāva*

202 The Sm Ā explains that Nār enumerates five *hīnavādīs* to show that each succeeding should be fined more heavily and not because there are only five kinds since there are other kinds also. Vide B; p 31 v 23 for these five terms. B; (p 195 v 5) mentions four kinds of *hīnavādīs* two of whom the silent and absconder are the same as in Nār., but two others *śikṣa*: *parjāta* (convicted by witnesses) and confessing are different. These five classes of *hīnavādīs* though liable to fine do not lose their civil claims as Nār says a verbal error does not annul the claim in actions of any kind so if the case relates to cattle or to a woman or to land or to debt he is liable to punishment but his claim is not annulled. The latter half only illustrates civil disputes. Vide Mit on Yāj II 19 and Manu VIII 53-56 for *hīnavādīs*. Vide also Kaṭṭ text p 149

203 The king should punish (fine) him who though thrice summoned, does not come (to court) or absconds though summoned and allows five days to pass (without appearing before the court)

204 Where (a litigant) divides (induces to be partial) even a single one out of the members of the court that have listened to the trial and where he offers a bribe to the opponent he must be indicated as a losing party

205 In a civil dispute if a litigant himself threatens (the other side) or offers a bribe to him or threatens him through another or restrains him in these cases the litigant becomes huna (i.e. a losing party or is cast off)

206 { The *huna*vādi) should be fined in accordance with the offence charged and no opportunity is to be given for litigating the same matter again when the averments of both (plaintiff and defendant) have been written down and the consideration of the dispute (by the members of the court) has started, whoever then adds what is improper is cast off from his claim

207 He who after announcing his witnesses, does not bring them (before the court) at the trial at his sweet will that litigant in consequence of this loses after thirty days

205 Vir and Sm C ascribe this verse to B; The same results follow whether these causes occur singly or cumulatively

206 The first half here refers to criminal disputes as explained by the Vir (p 101) which accords the first line to Bṛhaspati. The last two lines mean that he loses his claim altogether if he makes a case not in keeping with what he stated in the plaint after the judges have begun to consider the matter. Compare Ya, II 15. The reading *anukram* of Apar means if he adds what was not said in the plaint which means practically the same thing as above

207 At his sweet will this means not be overpowered by fate or the king or some other irresistible force. Bṛ (p 225 v 2) has almost the same verse *नानिगन्तुं सद्यः दिवसं पश्यन्तं तान् विवादेभ्यः निज्जापन्तु विवशाद् वयम्* इति पश्यन्तं (*शृति* p 110) Vide also Bṛ p 225 verses 2-9 for *an* or King

directed towards the establishing of what then becomes the claim (viz , the special plea)

212 When (the plaint) after being properly amended is written down in this way and when a reply free from defects has been given, it is necessary that the defendant or the plaintiff should take up the adducing of proof

213 That is (styled) *sadhya* (the claim to be established) which the plaintiff himself proposes to clearly establish and that is (styled) *sadhana* (means of proof) by which the entire claim (of the litigant) is established

(*Means of proof and their relative strength*)

214 Documents, witnesses, enjoyment (or possession) these three are known as means of proof Reasoning is the consideration of certain characteristics which cannot be explained otherwise (than on the hypothesis propounded) and there are ordeals of poison and the like

215. When the plaint has been completely written down in proper words, the plaintiff should establish by proof (his claim) after the third stage.

216. The matter to be accomplished is called 'addhya' and the means are styled 'kriyā'. The latter (i.e. means of proof) are twofold viz. divine and human, human (means of proof) are documents, witnesses and the like and divine (means of proof) are the balance and the like.

217. A wise man should avoid when witnesses can be had, the divine means (of proof). (A litigant) who employs divine means (of proof) when witnesses are available, becomes a losing party on that account.

218. If one (party to the litigation) puts forth human (means of proof) while the other (party) puts forth divine means, then the king should accept human means of proof and not divine.

219. When men dispute, if there be human means of proof though only reaching a portion (of the allegations in the plaint), then the human means should be accepted and not divine means, though they may be complete (i.e. completely cover all the allegations).

215. Vide verso 31 and notes thereon for the four stages of a judicial proceeding. The Sm. G. takes (III p. 124) the word 'likhita' to mean reply.

216. We must read 'dharādhī' for 'vadhādhī'. The first two lines are ascribed to Vyāsa by Sm. G. (III p. 124) and Vir. (p. 111). Compare Nār. p. 30 v. 28 where we have धरार्थं धरि
वृत्त and Dhṛupad: धरार्थं धरि शक्तं न नृपः ॥ धरि नराः दृष्ट्वा धरि
धरार्थं धरि ॥ quoted in १३१५ III p. 124.

217. Witnesses is illustrative and stands for all human means of proof (such as documents &c.). Yaj. II. 23 also expressly states that ordeals are to be employed only in the absence of documents, witnesses and enjoyment. Compare Nār. p. 30 v. 29.

219. A portion here means a substantial part of the allegations and not any part whatever however trifling or irrelevant it may be. Vide verso 222 below. For example, if the plaintiff asserts that defendant borrowed a certain sum at a certain interest and if he can prove when the defendant denies it altogether by human means to get the exact amount nor the rate of interest then he will succeed and defendant would not be allowed to have recovered a certain sum pure. Yaj. II. 20 and Viṣṇudharmasūtra VI. 23 for the proposition that when the plaintiff asserts a part of his claim (in case defendant denies everything) defendant has to render the whole of the claim.

220 The divine (means of proof) are of five kinds and human of three kinds

221 When (a litigant) abandoning a strong ground resorts to a weak one (to prove his case) he would not be again entitled to rely on that (strong ground) after the members of the court have decided as to who should succeed

222 That ' kriyā (proof) that would establish several unsubstantial parts (of the allegation of the party) but not the essential part should be cast off since it is unsubstantial (weak) That means of proof which would establish both sides (viz the plaintiffs and the defendants) should be cast off entirely

223 In disputes when witnesses exist divine means of proof are not prescribed and when there is a document neither ordeals nor witnesses (are prescribed as the proper means of proof)

224 A document becomes lost (or useless) by time and it may be found by judicial investigation to be tainted (tampered or forged) In a judicial proceeding where no documents or witnesses exist he (the litigant) should indicate (rely on) divine proof In (a claim) that is to be established by divine proof, he should not employ a document or (other) human means of proof

220 'Five—this does not mean that there are no more but that they are not less than five Pitāmaha speaks of nine kinds of ordeals

221 This rule lays down that a litigant must rely upon all available grounds of attack or defence whether strong or weak, and if he fails by relying upon a weak ground he cannot agitate the same matter on other and stronger grounds This verse propounds the same strict rule of res judicata as is contained in explanation 4 of section 11 of the Indian Civil Procedure Code of 1908

223 'When there is a document —this contains the germ' of the rule in section 91 of the Indian Evidence Act prohibiting when a contract is in writing the adducing of other evidence to prove the terms of the contract

224 'A document time'—This means that the letters may become illegible by lapse of time

225 Whatever are declared as the conventional usages of the associations of traders of guilds (of artisans &c) and of groups (of Brahmanas) and the like, the means of proving them are documents neither ordeals nor witnesses

226 Enjoyment alone is weightier in the case of the making and use of doors and ways as also in the case of water courses and the like, and not writing nor witnesses

227-28 In the case of (disputes about) things given (or promised to be given) but not given in decision* (of disputes) of servants with their master, in the matter of taking back a thing after it is sold and when a person having purchased a thing does not pay the price in gambling and prize fighting—when a dispute arises in these matters, witnesses are the means of proof, neither ordeals nor witnesses

229 When the dispute that is investigated is about 'sahasa (heinous offences) or about physical injury or abuse and defamation and in cases that spring from force, witnesses or ordeals (are the means of proof)

230 In the case of persons guilty of secret heinous crimes the investigation (into their guilt) has to be made by

225 For *gram* (guilds) and *grāma* vide notes on verse 82 above and also verses 679 & 680 where Rat himself defines *puga* and *gapa* .

226 It is better to read — *bhoga* as Parā M does and connect '*kriya* and — *bhoga* with both door and way If *kriya* and *bhoga* were taken to be separate subjects of enjoyment it is difficult to bring out the *r* sense This verse refers to easements and enunciates the doctrine that they are acquired and proved by undisturbed enjoyment for a long time Vide sect on 15 of the Indian Easements Act of 1882 In *Lalubhai v Das* *Air* I L R 2 Bom p 299 at p 312 this verse is referred to

227-28 Verse 227 refers respectively to the titles of law called '*dattapradhika* *śāstrīyāvirada* and '*kṛayavikrayana* *śāstra*' In ancient India sales and gifts were made without a writing and property passed by mere delivery Hence as a general rule witnesses were the only means of proof in these cases

229 Compare *हस्तान्तरावकाशस्य महीदानं निर्वह्य देवकी विद्याः इति* *वृत्तः* *प्रवचनं सङ्गच्छते* quoted in *अपराध* p 629 Vide *Nār* p 93 v 241 This verse prescribes an option between ordeals and witnesses

230 The first part states an exception to the rule in verse 229 The latter half means that ordeals are not to be resorted to simply because there are no witnesses, but only when there is no clue to their

ordeals and by means of reasoning, marks, by the gestures and by the outward manifestations (sweat etc.), by the voices, the eye and movements

231 In the case of all *sādhana* (heinous offences) of the gravest kinds (the judge) should examine the truth by means of (lit by the eye or sight of) ordeals, even though there be witnesses (This is the view of) Bhṛgu

232 Where the witnesses are equal there also (the judge) should find out the truth by means of ordeals. In disputes about offences entailing death penalty if the plaintiff (or complainant) has recourse to ordeals though there be witnesses, (the judge) should not question witnesses

233 In (disputes as to) debts the means of proof are declared, through the desire of doing good to the people, to be either a writing or witnesses or some sort of reasoning or the like or divine means

234 One should prove a debt by means of these in order viz urging (dunning) the debtor (to pay) on each occasion putting forward some argument and the third being oaths

guilt by means of even 'reasoning &c. The *ta* is explained as 'down cast look and the *le* 'and 'ākāra' as 'perspiration' 'horripilation' &c due to emotions of fear &c though both words are given as synonyms in the lexicon of Amara. Vide Mañu VIII 25 '6 for the same means of arriving at mental states

231 According to Nār p 202 v 3 'sādhana is of three kinds viz of the first, middling and highest degree and according to Nār p 203 v 6 taking human life with poison weapons or the like inter course with or assault on another man's wife and whatever else that causes destruction of life is called *Sādhana* of the highest degree. The minimum fines prescribed for these three kinds (Nār p 203 verses 7-8) were 100 500 and 1000 pānas respectively

232 The equality of witnesses on both sides may consist in the number and in the trustworthiness. The offences that entail death are the five mortal sins. Compare दृष्टव्यं मृत्युर्वाप्यं निश्चितं ननु किं वादं विवादं यथा मृत्युर्वाप्यं निश्चितं (quoted in *at* p 316) Vide Mañu XI 54 for the five great sins

234 The Bm. C explains *Codanā pratikālam* as urging the debtor for several times in the presence of third persons to pay the debt. Whenever the time for payment arrives and the debtor though dunned does not protest it is first method. *Yuktikālam* means 'you took from me so much money for such and such a purpose in a certain place and at a certain time.'

235 If (the debtor) though urged (reminded) again and again three, four or five times (by the creditor) does not refuse (or protest against) the latter's words he must carry out (pay back) the object (the debts)

236 If dunning be protested against he (the creditor) should follow him up with arguments relating to the place, the time, the connection (subsisting between the two parties), the amount (of the debt) and the actions (of the two)

237 If arguments also are futile he should decide by means of the ordeals alone such as fire, water, righteousness and the like that may be appropriate to the property involved, the time and the strength (of the defendant)

238 Where a document is declared before the king to be fraudulent (i.e. forged or fabricated) there the king occupying the seat of justice should find the truth by ordeal

239 In (disputes about) land and in harshness of words (reviling and abuse) (the king or judge) should not prescribe ordeals

240 In disputes about immovable property ordeals should be avoided (The litigant) should establish his claim by means of witnesses by writing or by possession

241 In all disputes the king should always give a decision by means of the *pramāṇa* (documents witnesses, possession) or by inference or even by ordeals

235-237 These verses are almost the same as Narada (Nradana 236-238) and explain the three methods in verse 234. Vide Nar p 97. In 236 what is meant is that the creditor should himself remember the time place &c. and remind the debtor of them. *Sapatha* includes both oaths and ordeals. Compare Manu b 109. The reading *Sapathair onam ardayat* of Narada means he should make him undergo ordeals and is better.

239 This is not in conflict with verse 229 which gives an option between witnesses and ordeals in the case of reviling etc. That verse refers to serious offences of reviling while this refers to slight ones.

240 This verse is almost the same as that of *Pitamaha* quoted in Sm C / III p 121. 'स्वाधरेषु विवदेषु दिव्यानि विवदयेत् । सङ्क्षिप्तं सतेनयं दुष्टाया वैजानं प्रगाधयेत् ॥' We should read *par bhārayat* (in the text) /

241 *Inference* *Gautama* / XI 23 24 / says that in arriving at justice ratiocination is the means etc. (यमपिमे सर्वोत्पद्य । तेनाम्ह्यं यथास्थानं गमयेत् ।)

242. *Pramāṇa* (means of proof) is said to be three-fold, viz. documents, witnesses and possession. The wise say that 'hetu' is inference and *tarka* (ratiocination).

243. In the absence of each of the preceding (the king should decide) with the succeeding, but never otherwise, (he should decide) by the *pramāṇas* that are indicated by the litigants, viz. possession, documents and witnesses.

244. No one should prescribe ordeals for the plaintiff (lit. the attacker), those who are ad-pts (in the knowledge) of ordeals should offer ordeals to the defendant.

245. In a reply of denial, it (vyavahāra, the legal proceeding) has four stages (lit. feet) and so in *pratyavasthāna* (reply of special plea) and in the reply of former judgment, but it should be known to have (only) two stages in replies of admission.

246. Defeat is said to be two-fold, viz. declared by another (i. e. by the judge) or by oneself. The former is of ten kinds and the latter is only of one kind.

242. The next half must be read with verse 311 and it means that if *pramāṇas* are available the king should decide with the help, if not available then by ratiocination and then by ordeals. If no ordeals are possible, then the king's own discretion is the final arbiter. As Pāṇinī says 'वेदद्वयन (वेदवद्वयनं) च म (हन्) न न द्विज इत र्हेन दम न नद्वयनं' (quoted in II, 111 p. 106).

244. This means that in a reply of denial, there cannot be an ordeal, as there the burden of proof is on the plaintiff. Yāj. II, 96 notes that ordeals may, also be left to the option of the parties also i. e. even the plaintiff may undergo an ordeal.

245. In verse 31 above the four stages (pādis) of a judicial proceeding are enumerated. In a reply of admission there is no need to deliberate as to the burden of proof or the means of proof and so there are only two stages, viz. plaint and the reply. The Vyākṛ. p. 21 notes that where the plaint is such that it deserves no reply, there are only two stages, viz. the plaint and the decision (of the court) settling it, similarly where the reply is no real reply, there are only three stages plaint, vitiated reply and judgment in favour of plaintiff.

246. In the copy of alimata 244th verse, the party is defeated by his own words. This is the one kind of defeat due to oneself. The Sm. C. (III p. 130) notes that what he considered (verse 239) is to be written by another, but his own opinion (verse 301) was to be written in his own hand by the king.

247-248 Going over to another (ground of) dispute (i e change of pleading or front) conflict between former and later averments defects in the production of ones means of proof lending support to what the opponent says non mention of the place of the transaction in dispute mention of a wrong time and place (for the transaction) bribing witnesses, hatred of saying out things (when examined) putting forward of an improper place and interfering with questions put to witnesses (these are the ten kinds of defeat due to another)

(Documents)

249 Documents are declared to be of two kinds viz made in ones own hand and made in the handwriting of another, (the first is valid) whether attested by witnesses or not The validity of both follows from the usage of the country (where they are written)

250 That should be known as a document written in ones own hand which is written by the debtor with his own hand though there are no witnesses (on it) the wise regard it as valid

251 (One) should should cause the origin (of the parties to the transaction) the caste the names and the amount of money to be written (in a writing) In this way one remembers what was done a matter that is not consigned to writing perishes (by lapse of time)

252 A document should be attested by witnesses and should be so written as not to transfer the order of letters (required to express the sense) should observe the local conventional usages (as to documents) and should contain full details as to all matters.

249 This s Nir p 23 v 35

250 YS; II 89 affirms that a document written by oneself is valid even though not attested by witnesses Ags are the person writing it in the absence of force or fraud

31 Prayuktasya may also mean what is lent as stated. As to writing perpetrating test money compare Br p 304 v 2 and Nir p 83 v 70

253 That document which contains the proper framing of letters and sentences which is unambiguous, all the letters of which are clearly legible the stops of which are not lacking in the proper order attains validity (lit success or perfection)

254 That writing is called *sthiti-patra* (deed of conventions) which is made for the validity of (for preserving intact) the usages of men versed in the four Vedas, of a city, of corporations, of groups and of the citizens

255 That is known as *visuddhi-patra* (deed of purification) which is given to persons with attestations of witnesses when they have performed the penance (prescribed) and have become free from the accusation (of the commission of grave sins)

256 That writing is called a *sandhi-patra* (deed of peace) which relates what happened when an accusation is brought (against a person) before all the best (leading) people

257 A deed of boundaries is made when a dispute as to boundaries is decided

258 That document is declared to be royal which has on it the king's own hand and which is marked with the royal seal and which is attested by witnesses in all matters

259 The stops of which do this is the translation of *ahin-krama-c-hnam* which may also mean the seal on which is not out of order. This will apply only to a royal document.

254 Vyāsa as quoted in Sm O (III p. 135) enumerates eight kinds of writings viz *craks*, *svakas*, *a-upagata*, *sth-patra*, *kraya-patra*, *sth-til-patra*, *sandhi-patra* and *visuddhi-patra*. The Sm O notes that there are other documents also such as a deed of partition. Bf p 304 v 4 divides writings of ordinary people into seven varieties viz of partition, gift, purchase, mortgage, agreement, servitude and debt and royal edicts into three. Bf g gives definitions of these seven.

256 This verse is rather obscure. What is meant seems to be that a compromise arrived at as to an accusation before the leading people of the place is put down in writing which is then called *sandhi-patra*.

259-264 The statements of the plaintiff and the defendant, the averment (of the plaintiff as to the relief claimed) the statements of witnesses the decision of the dispute, how the matter was considered by himself (by the king), these should be set out in their order in writing First the statements of the plaintiff and defendant should be set out, after that the words of the *sādhya*, of the judge or of the family members and therein also should be written the decision of the case according to the rules of *Smṛti* and the (final) opinion (of the king) The plaintiff is to be put in possession of the matter that he succeeded in proving after being commended (on his success) and the king should give him a writing under his own hand and he should make the members of the court who were there (at the time of the hearing) and who are proficient in *Smṛti* to sign (the judgment) as in the case of (other ordinary) writings A writing executed in this mode the wise declare to be ' *paścatkāra* ' Where the litigant discharges his burden of proof by resorting to the (prescribed) means of proof only, there (the document) is called *paścatkāra*, the term is not applied to all (decisions in all matters)

265. That is *jayapaśra* (a document recording victory in a litigation) which is given to those who are cast off (in their cause) because they aver something other (than what

259-264 The latter half of 260 and 261 explain what is meant by ' *yāthāpūrvam* ' in the first half of 260. *Kāṭ* applies the term *paścatkāra* to a final judgment arrived at after hot contest between the parties : i. e. where all the four stages of a judicial proceeding have been gone through. If there is only a reply of admission or if the suit is decreed *ex parte* or if the plaintiff or defendant is non-suited for being a *dharmādi* then the decision is not a *paścatkāra* but it is a *jayapaśra* (document of success) ' *Kuṭṣṭhā* (family members) we saw above in verse 82 that they were the court of lowest jurisdiction. For the contents of judgment compare Civil Pro. Code Order "0 rule 4

265 *Kāṭ* restricts the use of the word *jayapaśra* to a judgment given in cases of those whose claims are cast off for various reasons without a thorough trial while he applies the word *paścatkāra* (it means reformation ') to a judgment given after complete contest. Herein he differs from *Bṛhaspati Vyāsa* and others who employ the word *jayapaśra* for

was first stated) and other *śikṣāddis* and which contains a recital of what happened

(*Examination of documents*)

266 (The judge) having summoned by order of the king should examine as justice requires documents according to the usages about documents (prevalent in the country) and witnesses according to the characteristics of witnesses (laid down in *śūtras*)

267 This is 253 above

268 That is said to be a document marked with the hand of another which is in accordance with local usage which gives the year, month fortnight and the *l. k.* and the rate of interest, and bears the signatures of the debtor the witnesses and the scribe

269 That becomes a false document the letters wherein stand away from their proper places are not in a line, are ambiguous and do not possess the characteristics (of genuine writing)

270 (That writing) is defective which is opposed to local usage which is ambiguous, which is devoid of the proper order (of words and sentences), which is executed by one who is not the owner (i. e. the proper and authorised person) and which is wanting in the (statement of the) matter to be effected (by a document)

271 A document executed by a person intoxicated, or by one under fear or one defrauded or executed by one who is or

by a lunatic or who is distressed (by misfortunes or diseases), by women, by children and by those who are not independent (i e who are not their own masters) has no validity

272 If a person even after (an invalid transaction) is publicly announced does not (take steps to) annul (it) the next day then it would come to be valid, except transactions entered into by persons intoxicated or lunatics

273 A document may be vitiated (invalid) owing to the defects of witnesses or of the scribe or to the fraud of the creditor or of the executant

274 A document made by persons guilty of faults becomes vitiated while one made by persons free (from any fault) should be declared to be valid (lit pure) That document (which is made) by witnesses writer and executant guilty of deception (becomes vitiated)

275 The defects of the means of proof (such as documents and witnesses) when they are latent, must be declared (pointed out) by the litigant (who wants to impugn them) at the proper time (viz when they are adduced in the trial), but the patent defects must be declared by the members of the court at the time (of the consideration of the evidence) by reference to the (rules of) Smritis

276 The defects should be so pointed out that the witnesses the writer and the executants would be found to be false, a document becomes invalid when these are (shown to be) vitiated

277 When the opponent (defendant) avers that (the document) was not written by the scribe (by whom it purports to have been written) or that it was not seen by the witnesses (by whom it is attested) then the document is said to be (charged) as false

below) In I L R 5 Bom 33 at p 104 the text of Bṛhaspati is quoted and it is suggested that *stṛimatta* should be taken as one word in the sense of under female or aphrodisiac influence but the verse of Kṣi, shows that that is not a correct way of understanding Bṛhaspati's text since Kṣi separately mentions woman and *matta*

275 Vide v 378 below The words *by reference etc* should be connected with both latent and patent defects

276-277 These lay down and illustrate the method of pointing out the defects of documents as required by 275

278 (A litigant) should not challenge a means of proof by (alleging) a defect which is false , if he were to make a false attack (against the proof adduced by his adversary) he would be liable to be fined and would lose his cause (the object he wanted to secure)

279 When (a document) has thus been challenged as invalid before the court (lit before the royal seat), it should be considered and he (the judge) should examine the faults (alleged) in the document, holding consultation with brāhmanas

280 A document becomes vitiated (invalid) by any thing that makes the witnesses or scribe or the executant thereof false , it is to be declared valid (lit pure or free from faults) if these are free from defects

281 A document written in his own hand by the creditor and not attested by witnesses would be held to be false, if the maker of it (viz the creditor) would not be able to establish that it was made by him (with the consent of the debtor)

282 If the debtor denies his own signature made on a document, the matter should be decided by (the evidence of) the witnesses on the document or by the opinion (i e evidence) of the scribe

283 In disputes about documents whether written (by the man denying them) or not the decision (about the genuineness) of it must be made by (the evidence of) witnesses when a document is challenged as false the litigant should cite the witnesses thereon (as his evidence)

279 Holding as brāhmanas vide notes on 57-59 above

280 If the faults pointed out by a litigant are not refuted by his opponent then the document becomes invalid. Compare 2 & 4 (first half which is almost the same as the latter half of this verse

281. Compare sect on 68 of the Indian Evidence Act

284 When in the case of all the three kinds of documents a doubt arises in the minds of men, then one should establish (their genuineness) by producing the signatures of the debtor, the witnesses and the scribe thereof (for comparison)

285 If the scribe along with the witnesses be dead, the document would undoubtedly be proved to be genuine by (a comparison of) their (admitted) signatures and the like (with the signatures on the disputed document)

286 When there is doubt about the signature of the debtor (on a document) whether he be living or dead the decision about (the genuineness of) that document is to be made by (comparison with) other documents executed by him with his own hand

287 Even when all these (viz writer, witnesses and executant) whose signatures are made on the document which bears the royal seal are dead, that document is still held valid even though they are all dead.

284 Compare YB; II 81 and Nār p 78 v 143 Br (p 304 v 3) divides writings into three sorts viz those written by the King (rāja-lekhya), those written in a particular place (sthānakṛta) and those written by a person with his own hand (svastastikṛita). Sthānakṛta appears to mean written by professional scribes appointed by the king or his officers and attested by witnesses. Compare Nār p 73 v 135 Kāt is probably referring to this three fold division made by Br V; (VII 3) divides documents into three varieties viz rājasāhika / i.e. written by kṛyasabhas appointed by the king and bearing the signature of the presiding officers) writings attested by witnesses writings without witnesses

285 Vide V; VII 13 for a similar idea. Compare section 69 of the Indian Evidence Act and for proof of hand writing by comparison see 73 of the same Act. According to the Sm C the like include the gotra, caste etc

287 The validity of the document is due to the royal seal which is prima facie evidence of genuineness. This provision is somewhat like sections 52-53 of the Indian Registration Act of 1906 and is a precursor of the solemnity attached to registration as laid down by the Privy Council in 8 Lumbay Law Reporter 315. Apar restricts this rule to a royal edict bearing the royal seal.

288-289 What is directly perceptible is not (allowed) to be overruled by inference , therefore the decision about a document which is challenged as false is to be arrived at on the testimony of witnesses since (the debtor or executant) may himself challenge a document as false for securing wealth to himself . A document (without attestations) should be proved to be genuine by (comparison with other) documents and one that is attested by witnesses by the (testimony of) witnesses

290 When it is alleged that a document is false (the litigant) who would not establish it to be valid by the testimony of the witnesses and of the scribe, should be made to pay the highest amercement

291 When (a debt) has not been claimed by (the creditor) able to do so from (a debtor) who has wealth enough (to discharge it) and who is near (the creditor) then the bond (recording the debt) loses its strength as this raises a suspicion that the debt has been paid off

288. This applies to a case where a document is attested by witnesses and the debtor or executant denies it. In such a case the court is not to rely on comparison of the debtor's signature on the document with other admitted signatures of his. This process would be one of inference. Hence witnesses are in such a case to be examined and their testimony is weightier than mere comparison of handwriting. A witness is so called according to Manu (8 74) and Vi. (8 13) and Nār pp. 79-80 verses 14-148 because he has himself seen or heard a matter or experienced it. So his testimony is direct. The latter half refers to comparison of handwriting to a document which bears no attestations and it occurs in Nārada (ऋषिः verse 145), where Anahaya explains it differently while the translation above follows the interpretation of the Sm C.

290 Apar construes the verse differently when an allegation of falsity is made as to the writer (i.e. executant) of a document. The highest fine was 1000 panas according to Manu VIII 138 or 1000 according to Yaj I 36.

291-292 Vide Br p 303 v 23 for same verses. Not being seen or read out to anybody leads to the inference that it was not meant to be acted upon as it was neglected for a long time. Compare Br p 309 v 31, also Nār p. 77 v 141 for a very similar verse

292 A document (executed) beyond thirty years, which has never been seen (by anybody) nor read out (by the creditor to anybody), does not attain validity even though the witnesses (on it) be living

293 If a man does not show a document even though the debt (evidenced by the document) has ceased to bring interest and if he does not press the debtor (for payment), the document loses validity.

294-295 (The judge) should consider very carefully a document that is put (purports to be) in the form of a *paścātlara* (judgment after contest). If such a document stands (the test of) reasoning, then it is valid, otherwise it should be cast aside and he (the judge) should again decide (the matter in dispute). When what is not true has been established as the truth through ignorance, it should be set aside, even though it was established as valid with effort by (former) kings

296 A (royal) edict becomes valid when it is free from defects as to the seal (thereon), as to the mode of writing it, as to its enjoyment (or custody), when it has the proper characteristics (of an edict) and when it bears the genuine signature of the king

297 That writing which is free from faults and which is made known (to the people round about) attains validity

298 If the debtor does not declare the patent defects of a document even when he has seen it, the document when it has stood (unchallenged) for twenty years becomes firm (i. e. unchallengeable thereafter)

299 The Sm C explains that this happens when the debtor is near at hand and is well able to pay

294-295 For *paścātlara* vide verses 259-264 above Vide verses 495-496 as to review of judgment

296 'Kṛiyasuddha' is explained by the Sm C as meaning 'free from ungrammatical words and from the fault of disconnected words'

298. 'Debtor' - this word is only illustrative and stands for all who are affected by a document. This prescribes a period of twenty years for avoiding voidable documents

322 As regards the first (possessor) title is the means of proof (of ownership), as regards those in the middle (i e the second and third generations) enjoyment accompanied by title (is the means of proving ownership) but unbroken possession for three generations is by itself the means of proving ownership (in the fourth generation)

323 The (first) occupant though he may have possession, should clear (by evidence) the defects (alleged) in the document (under which he holds) but his son (or grand son) should clear only the defects in possession and would not suffer for (lit obtain) the defects of the document (of his title)

324 Whatever property has been (first) acquired by a man, if he were impeached (by another) he should clear (his title to) it In his case possession even though he enjoyed the property for a long time is not desired (as the proof of ownership)

325 (The king or judge) should not out of greed interfere with possession which is immemorial and not known (to have originated without title)

326 When a property has been enjoyed by (a man's) father according to the usual mode of enjoying (the property), that (man), when the father is dead should not be called upon (to prove title) since he got that property (from his father) by enjoyment

322 Danam (gift) stands as illustrative of sources of title. The first possessor must show legal title in the case of his son and grandson they have to put forward some title and also possession, while the fourth generation can rely only on possession for three prior generations (and need assert no other title) Compare Yāj II 27 about the relative strength of title and possession

323 324 Compare hār p 63 v 90, Br p 313 v 25 and Yāj II 28 The Mit explains that the first occupant is liable to fine if he cannot show title his son and grandson need only show immemorial possession and they are not liable to fine even if they show no title nor immemorial possession In the latter case they may at the most lose the property Vide ' अगमस्तु ह्यविता मन्त्रस्य मनुजान् । न तत्पुनस्तस्मै वा अगमस्तस्मै वा ॥ ' quoted in दृष्टव्य III p 165 and finally on वा II 28

326-327 Both these are VL v 186-187, Compare Br p. 313 v 28

312 When a document is broken by dirt (soiled by dirt), when it is burnt, when it becomes perforated when it has passed away (into another country or in another's hand) and when it is rubbed off owing to perspiration, another document should be caused to be written.

(Possession)

313. Documents, witnesses, possession - these are regarded as three *pramāṇas* (means of proof) Among human *pramāṇas*, possession is regarded as equal to a faultless (valid) document

314 When there is doubt (dispute) about a way, doors for exit (and entrance), water courses and the like, undoubted ly possession is the weightiest among means of proof

315 A witness is weightier than mere inference, a document is weightier than witnesses (i.e. oral evidence), unbroken possession for three generations is weightier than all these

316 Reliance should not be placed on (mere) possession by the wrongful possessor or his son (as his strong point) in the case of brahmins, women and men (slaves) This is the settled *Dharma* (Law)

317 Possession is declared to be of two sorts viz with title and without title Possession which continues for three

312 Compare Yaj II 91 and Nār p 79 v 140

313 Compare Nār p 58 v 69

314 Verse 313 declared 'documents' and 'possession' as equally weighty means of proof. This verse declares that in certain disputes (about easements) possession is superior to the other *pramāṇas* Vide verse 226 above Nār (p 60 v 77) emphatically declares that as regards immovables possession counts most (in nine points of law) even though there be a document and witnesses

315 Vide *Manu VIII 25-26* for signs from which inferences were to be drawn about intention or other mental states of men What is meant by ' three generations ' is made clear by Kat. himself in v 318

316 Vide *Lalubha v Ba. Anant I. L. R. 3 Bom 290* at p 310 for explanation of this verse

317 ' *Āgama* ' means ' origin of title ' or ' title ' According to Br p 309 v 2 ownership of immovable property can be acquired in seven ways viz by learning, purchase, mortgage conquest, as

327 When a land has been duly enjoyed by three generations, the fourth secures it (as owner) even in the absence of a document

328 Just as milk produces by lapse of time curds which is full of taste, so possession transmitted for three generations becomes the source of conferring (ownership) by lapse of time

329 That possession which is unbroken and of long standing (immemorial) is strong (valid independently) in law Possession, even though interrupted, (is valid) provided it was established by an ancestor (as based on title)

330 One should not put forward (men) possession (as proof of owner-ship) in the case of women (female slaves), temple property and state property, of the property of minors and those who are learned in the Vedas and as to (what is inherited) from the father and mother

328 Compare Nār p 63 v 01 and Br p 313 v 27

329. This is the same as Br p 314 v 31 The principle is the same as that underlying Art 142 of the Indian Limitation Act, viz if a man establishes title and disposes of by another within twelve years before suit, he succeeds in ejectment 'Strong' means 'rendering futile a document etc opposed in tenor to it'

330 Compare Manu VIII 140, Vasistha XVI 18 Nār (p 61 v 81), and Br p 312 v 31 (who mentions idiots and Yaj II 23 ' Temple property ' - Compare section 10 of the Indian Limitation Act (1908) as amended by Act I of 1929 according to which there is no limitation for a suit for following trust property in the hands of a trustee or in the hands of his legal representative or voluntary assignees or for an account when property has become vested as a religious or charitable endowment in him ' State property ' compare Art 149 of the Indian Limitation Act which prescribes sixty years for any suit by or on behalf of the Secretary of State for India in Council, minors' compare section 6 of the Indian Limitation Act in favour of minors lunatics and idiots Vide Gauthama X 48-49 according to which the property of minors and students was to be under state protection until they attained years of discretion and until return from their teacher Vasistha 7-8XVI, ' from the father or mother ' compare the rule of modern judicial decisions that the possession of one co-heir is not necessarily adverse to the other co-heirs Vide notes below on verse 335 and verse 844 for the age of majority

331-333 If a brahmascari, who was engaged in his vow (of Vedic study) extending over thirty six years and a man in pursuit of wealth who remains in another country for a long time, were to return (from his teacher's house) and being free from his vow were to look out for his wealth, then enjoyment extending over fifty years will (alone) make him lose his property (by the possession of another) Twelve years are declared to be the period for studies for (mastering) each Veda and the time (of apprenticeship during which possession by another does not become adverse) for those who learn crafts is said to be the period required till they become masters in them

334 The property of these (students of Veda and of crafts), which was enjoyed by their friends and relatives while they were absent and of those who have been convicted by the king (and imprisoned), is not lost by lapse of time

335 When a thing has been enjoyed by a man's agnates and cognates and by his own people, there (ownership of the thing) would not result from mere possession, one should regard possession (as leading to ownership) in others (than these)

(Reasoning)

336. That man, who, when besought (for repayment) by the litigant (creditor) three, four or five times does not employ a refutation (of the assertion) becomes (established as a) debtor after that

331-332 'Thirty six years A Brahmacari had to spend 12 years in the study of each of the three Vedas Vide Manus III 1 Gautama II 51 and 52, Yaj I 36 - *brahāvartana* - means 'returning from the teacher's house after finishing Vedic study and taking the ceremonial bath Vide Manus III 4 Gautama II, 55 Vātsyāsa VIII, 1

333 Compare Dc p 310 v 11 This contains the principle that the possession of one co-owner or tenant-in-common is ordinarily the possession of all and that the mere fact that the profits of a property have been enjoyed by only one tenant-in-common for many years or that he alone is in sole possession does not by itself amount to the ouster of others and is not necessarily adverse to them. Vide L.L.R. 46 Bom. 213, 31 Bom. L.R. 199 and 1030 (P.C.), 47 Cal 274.

336 Compare Nār p. 97 v 237 If a creditor several times addresses a debtor saying 'you owe me money' and the debtor does not protest against such assertions, he will be held to be a debtor.

337-338. Offer of a bribe, effacing the means of recognition, holding out a temptation (to the witnesses or asbhyas) and suppressing the expression of one's thoughts (on the face etc.) - these are the means of establishing (a claim against a person). Where the denial (of liability) by a litigant is clearly made, if one of these is clearly established by the opponent, then the matter charged (such as a debt) is established as against him.

(*Witnesses*)

330. The king should not delay in making the witnesses depose. A serious fault, viz. turning away from justice, would result from delay (in examining witnesses).

340 The king should himself examine the witnesses that are present (in court) and should consider along with the members of the court the statements made by witnesses.

241. Where it is doubtful who the witnesses (on a point) are, time should be given for (producing) witnesses in order that proper means of proof may be found out ; but where it is clear (who the witnesses may be) he (the judge) should make the trial proceed at once.

342-343 The judge should in a conciliatory manner question in the following way all the witnesses inside the court and in the presence of the plaintiff and the defendant: ' whatever actions of these two (plaintiff and defendant) among themselves you know as regards this transaction, narrate them all in accordance with truth, since you are the witnesses in this matter.'

337-338. ' Effacing etc. ' - means tampering with one's signature or other sign that would establish one's liability' according to Vir. p. 225. Read ' prajāpanabbedah ' as one word.

339. This applies where it is quite clear who the witnesses may be. But where that is not clear, time has to be given.

340 ' The king ' - this is illustrative and includes a judge.

342-343 Compare Ys. II 14 and Gautama XIII. 5. These two verses are the same as Manu VIII. 79-80.

344. (The judge) should himself being pure, question in the first part of the day, and in the presence of gods (idols of gods) and brāhmanas men of the three first castes as witnesses for truth they being pure and standing facing the north or the east.

345 (The judge) after having summoned all the witnesses and having bound them strongly with oaths should question them separately, the witnesses being men of known character and conversant with the matter (in dispute)

346 The statement of a witness as to whatever has been perceived (or experienced) by him because of his being in the presence of the plaintiff and the defendant (at the time of the transaction) should be accepted (as relevant evidence) and not otherwise. So says Brhaspati.

347 The testimony of those whose family and characters are well known who are free from avarice and folly who are truthful, pure and men of eminence, leaves no room for doubt.

348 (The opponent) should be proved by the plaintiff (to be what he is alleged to be) by (the evidence of) witnesses who are similar to the opponent (in caste). A litigant of a lower caste should not establish (his case) by (the evidence of) witnesses of higher castes.

344 This is the same as Manu VIII 87. In the first part of the day vide verses 60-83 above. Compare सूदित्य p 176 ग्राह्या दक्षिणदिशि सवित्रं परिगृहीयात्.

345 This is Nār p 91 v 198. Compare V. VII 19.

346 Vide Manu VIII 74 V. VII 13 for the proposition that a witness is one who has himself seen or experienced what he deposes to. Compare section 60 of the Indian Evidence Act (of 1872). This rule means that the oral evidence must be direct and not hearsay.

347 Compare Gautama XIII 2 Manu VIII 63 Yāj II 68 and Nār p 81 v 153. Here *aptah* means those who speak the truth while it means a different thing in v 361.

348 The latter half of this is not quite clear. We must probably read लोकैश्वरावकृष्ट. Vide verse 351 Yāj II 69 says यथावति यथावर्गं सर्वे सर्वेषु वा स्यात् (i. e. the witnesses may be of the same class or caste as the litigant or men of any caste may be witnesses for a litigant of any caste). Vide Nār p 81 v 154 (for the same option as in Yāj.) Gautama XIII 3.

349-350 Those who wear symbols peculiar to their sects, *treuls* (guilds), *pugas* (associations) companies of traders and all others who form groups (or combinations) - these are called *vargas* by *Bhṛṅga*. The leaders of the communities of slaves, bards, wrestlers and of those who subsist by elephant driving, horse riding and the profession of arms these are in each case called *vargin*. When these have a dispute with members of their own group (*varga*), *vargins* (leaders of the respective groups) are their (proper) witnesses.

351 Women should bear witness for women (when women are litigants), for (litigants of) the first three castes (witnesses should be of) the same caste as themselves, well behaved *śūdras* for *śūdra* (litigants), and men of the lowest castes such as *Cāṇḍālas* should be witnesses for lowest castes.

352 Where it is impossible to bring (as witnesses) those who stay in a different country, there the cause should be decided on evidence consigned to writing and sent by men learned in the three Vedas.

353 Even a single person is made to depose as a witness if he was taken in confidence at the time of making a de-

349-350 For *śreṇi* *puga* and *vṛāta* vide *vy* 82, 235 and 679-80. Compare *Nar* p 81 v 155 for a similar rule. *Gentama* XI 21 22 lays down that in disputes between agriculturists traders cowherds usurers and artisans the king should decide on the evidence of their headmen.

351 This is *Manu* VIII 68 and also *Vasistha* XVI 30 (but in prose)

352 This refers to evidence taken on commission. The idea is that the court should depute a learned man to take the evidence of a witness staying in a distant land and the evidence thus taken down in writing by the person deputed should be read at the trial. Compare Order 26 (rules 4 and 5) of the Civil Pro Code.

353 The general rule is that there should be at least three witnesses. Vide *Yaj* II 69 and *Nar* p 81 v 153. *Bṛ* (p 331 v 16) says that there should be nine seven five, four or three witnesses or only two if they are *brāhmanas* learned in the Vedas but a single person was never to be examined as a witness. This verse states an

posit, the messenger, sent by a litigant, is a proper witness, though he is alone (i e the only witness in that case)

354 (In disputes about manufactured articles such as ear rings) one should establish (identity of) that thing by (the evidence of) that man who produced the finished article, in such disputes he, though alone, is declared to be the means of proof

355 The scribe, the judge, the members of the court ~ these in order are declared to be witnesses (singly) when a cause has been investigated by the king

356-357 There are others declared as witnesses though not so appointed (made or intended) by the parties, viz the village (i e co-villagers) the judge, the king in the case of those who had judicial proceedings (before him) one who knows intimately the affairs (transacted by the two parties), one deputed by the claimant (to ask for a loan or to transact a business) and in disputes between members of a family even the members of the family may be witnesses

exception to this rule A *dutaka* is defined by Br { p 300 v 8 } as one who is a respectable man esteemed and selected by both parties who comes near to listen to the speeches of the plaintiff and defendant. The reading 'yacata' for *dutakah* would mean in the case of a loan of an ornament etc

354 This reading is much better It means that the person who was sent to fetch an article on loan and who brought it is singly sufficient to prove what or how much was lent in case of dispute All that this verse means is that one witness will do even though many or even two are not available This verse does not restrict the evidence to the manufacturer alone Vide *Vir* p 151

355 Where the plea of *res judicata* was raised the evidence of even one of these was relevant Compare Br p 300 v 14

356-357 These verses are the same as *Nār* p 81 vv 151 152 except that *Nārada* reads first-half of 356 as एते पुनरस्मिन् एतिसमवेष्टया सख्यः Witnesses are of two kinds *kṛta* (made or appointed by the party) and *akṛta* (not so appointed) These two verses enumerate six kinds of ' *akṛta* ' witnesses *Nār* (p. 80 vv 149-150) says there are six kinds of ' *akṛta* ' witnesses and five kinds of *kṛta* witnesses viz *likhita*, *smṛita*, *yadrecchika*, *gṛthe* and *uttara*. *Dharmapāṇi* (Br p. 296 vv 1-3) enumerates twelve kinds of witnesses विदितो लेखितो गृह स्मारिता कुलदुर्गही वाह्यपिण्डद्वारा वा बर्तमानकाले वा ह्येवमप्यस्य नाम सति कश्चि वा एतन् । (quoted in *व्य व* p. 34 and *व्य वा* p 321). *Nār* appears to combine both *Nārada* and *Dharmapāṇi*.

358 In disputes about the shares of ancestral property, when a doubt arises the statements of members of the family are means of proof, but not in other cases

359 If one out of the witnesses that subscribe them selves (on a document) and that have been appointed (or cited) by the litigant deposes in a way different from (the others) all those become incompetent witnesses on account of contradiction

360 Where a person is appointed by a man as a witness, the other party should not make him depose as his witness. In the absence (or death) of that person (who appointed the witness) a person deputed by him or a relative should make him depose (as a witness)

361 Those who depend for livelihood upon the sentence given by a party, those who wait upon him or are his benefactors those who are his relatives or friends or servants—these are his *dētas* and are not competent witnesses

362 The sons of one's mother's sister, the sons of one's full sister and one's maternal uncles—these are said to be *sandāhās* (connected with same womb), these should not be employed as witnesses

358 Compare Br p 299 v 7

359 Generally three witnesses were cited by a party to prove a transaction: supposing one of them deposed in one way and the other in another way the two nullify each other. If the matter were to be decided on the testimony of the third, the result would be that the decision would have to be based on the words of one witness only. Therefore in such a case all the three witnesses become incompetent. But the reverse cannot apply to a case where there are ten witnesses on a document, three of whom depose in one way and the rest in another way. In such a case the rule that the testimony of the majority or of men of higher character should be relied upon will have to be followed. Vide Nār p 95 v 279 Br p 303 v 35 Yāj II 73 Manu VIII 23 and VI VIII, 29 for the latter rule. Compare Nār p 83 v 163 for a rule similar to the one in 359. For the definition of subscribing witness (*likhita*) vide v. 371

360 The Sm. explains that if anybody were allowed to cite anybody as a witness whether appointed by him or not he would be *ava yamuktī* (and so an incompetent witness according to Nār p 83 v 163)

361 This verse explains the word *dēta* occurring in the list of incompetent witnesses in Manu VIII 64 and Yāj II 71

362 This verse is probably meant to explain *sandāhi* in Nār p 87 v. 180

363 Members of the same family, persons having an interest (in the subject matter of the suit) one connected by marriage (with ones son or daughter), one's husband, the father, a *bandhu* (a relative) paternal uncle, father in law and teacher - (these are incompetent as witnesses)

364 Those who are appointed (by the king) over towns, villages and districts and to positions (of responsibility) and those who are the favourites (of the king) - these should not be asked (to depose as witnesses), they are the men of the king and devoted (to him)

365 In (disputes) about debts and the like in which the transactions are of a fixed (or permanent) nature witnesses should be tested (as to their competency), but testing (of witnesses) is very rare in *adharma* (wrongs attended with force) or heinous crimes and in matters of an urgent nature

366 In transgressions of royal commands in adultery, in *adharma* (heinous crimes), in theft and in *pārasya* (abuse and assault and battery) the judge should not test (the competency or character of witnesses)

367 If the attack (or complaint) be with reference to what took place inside a house or at night or outside the village, one should not inquire into (the character or competency of) witnesses

363 Person having &c This seems to be the same as *arthasādhibandhūnah* in *Manu* VIII 64 and *Nārada* (*pradīpa* 177) Compare Br p 302 v 29 for the whole verse

364 Vide Nār pp 86-89 vv 177 181 *Manu* VIII 64 67 VI VIII 13 and Ys II 70-71 for long lists of incompetent witnesses This verse explains the word *akṣepurusa* in Nār p 83 v 185 Being the king's officers or favourites it is likely that the king or judge may be unduly prejudiced in their favour

365 Compare *Gautama* VIII 9 (*यत्प्रमाणं निरयम्*) *Manu* VIII 72 VI VIII 6 183 II 72 Nār p 83 v 183 In such cases any person may be a witness but the circumstances of age and other disqualifications mentioned above may detract from the weight of the testimony

367 Compare *Manu* VIII 69 70

368. When not asked by the litigant (to be witnesses), persons should not depose as witnesses; he who of his own accord takes upon himself to be a witness can not have the position of a witness (at law).

369. A witness is of two-fold mode (lit. path), viz. subscribing a document (as a witness) and one who is apart from it.

370. If a person has subscribed a document in his own hand and is the only surviving witness (out of all the attestors) and cannot recognise (the attestation) as his own, it (his attestation on the document) should be established by (comparison with other admitted) signatures of his.

371. That witness is called ' *likhita* ' (subscribing witness) who is brought by the litigant himself and who (whose name) is placed on a document (as a witness); a ' *smārita* ' (reminded witness) is one who (becomes a witness) without being subscribed on a document.

372. He is styled ' *smārita* ' (reminded) who, being shown a transaction, is again and again reminded of it by the litigant (a party to the transaction in order that the transaction) may be (effectively) proved (thereafter).

373. He who is brought for some purpose and he who comes (at the time of the transaction) casually — these two are witnesses, who are not subscribing witnesses, but establish the assertions in a plaint (about the transaction seen by them).

369. *Vid. प्रजापति 'साक्षी द्विवेदो विदितः कृत एवोपरीक्षितः । लेख्यारूढः कुलो देय उच्यते कृत उच्यते' (quoted in रघुविज III. p 184).* The first stands for the five kinds of appointed witnesses and the latter (*uttara*) refers to the ' *akṣita* ' witnesses.

370 Compare section 71 of the Indian Evidence Act

371. Compare *By. p 190 v. 3* which is clearer. *By. p 199 v. 4* explains who is called ' *likhita* ' (who does not subscribe himself, but whose name is put in his presence by another on a document).

372. This explains the words ' *स्मरितः पश्चात्कृते* ' in 371. Compare *By. p. 199 v. 6* for a similar definition.

373. Both these are ' *बह्वचामिद* ' in *नारद* (*कथादान 150*). The person casually coming or brought for a purpose is asked to bear witness to the transaction and although he and the ' *smārita* ' are both not ' *likhita* ' (subscribing witnesses), there is a difference between them inasmuch as they are not again and again reminded.

374 He is called a secret witness who is made by the plaintiff to listen while remaining concealed to the clearly expressed words of the defendant in order to establish his own object.

375 That witness is called *utara* (indirect) who deposes as a witness over and above the (direct witnesses) because he listens (to what they have seen) or is made to hear what they have heard

376. He should be known as a secretly moving witness (*gudhacārī*) and also as one intimately bound up in the transaction (*kāryamādhyagata*) to whom something has been divulged through confidence or a transaction has been communicated in confidence (by both parties)

377 Where the plaintiff (i.e. the creditor or one party to a transaction) is dead there the witness is called ' *mṛtāntara* ' (separated by death) and where the defendant (i.e. debtor &c.) is dead there also the same (term) is ordained (for the witness).

(*Proclaiming the weak points of witnesses*)

378 Whatever faults there may be in documents or

374 Compare Bṛ p 199 v 5

375 This is the same as Bṛ p 300 v 11. *Līshaspati* gives two verses on *utara*, the other being on p 300 v 10. They are not really two definitions but one. VI VIII 11 says उद्देशान्तेन नृप दृष्टान्तरा न वदन्निदंवाक्यं प्रमाणम् which is the same as Bṛ p 300 v 10. When a direct witness is about to die or to go to a foreign land a person who hears what he says about a transaction witnessed by him becomes an *utara* witness. Vide notes to V 31 p 65 for further explanation.

376 We must distinguish between *gudhacārī* defined in 374 and this. Dr Jolly translates both as secret witness. This is the same as *Bṛhaspati*: उन्मूल्यं वदन् निश्चयः &c. (quoted in *मृत्तिमोक्ष* p 345 and *मृत्ति* p 467). It is better to read *गुह्यवत्* for *गुह्य* as *Vir* and *Apr* do *गुह्यवत्* and *व दृष्टान्तरा* are two names for the same kind of witness. If we read *गुह्यवत्* (who holds the secret of both parties) that would be a better reading but it is not well supported. Dr Jolly's translation of Bṛ (p 300 v 12) is not accurate.

377 When the party for whom a witness is to depose is himself dead that witness is called *mṛtāntara* and he ceases to be a witness. Vide

witnesses they should be proclaimed at the time of the trial (The judge) should not hold the witnesses ineligible (on account of faults) after they have deposed

379 After a matter has been narrated (by witnesses) he who would point out faults in witnesses in whom he did not find fault at first and who cannot set out (a proper) reason (for not proclaiming them at first) should be fined in the first amercement.

380 (A litigant) should not challenge the means of proof (witnesses here) by (pointing out) faults that do not exist, if he were to make a false charge (about the faults of witnesses) he would be liable to fine and would also lose his claim that he wants to establish

381 When the defendant or the plaintiff attempts to establish faults in the witnesses (cited by his opponent), it is not (to be deemed) a separate proceeding (and therefore as irrelevant) because it (establishing faults in witnesses) is useful in (deciding) the matter in hand

382 The faults of witnesses (cited by a party) should be declared by (his) opponent in the open court, after writing

Nār p 83 v 125 and p 68 v 94. Vy. Māt p 316 explains that a witness becomes 'mptikṇ' either when the creditor or debtor for whom he is to depose is dead, or when the subject of the transaction viz the slave, bull or chattel is dead or lost. Nār p 83 v 137 mentions 'mptikṇ' as the last of the five classes of witnesses who cease to be so

378 Here *ukṣiṇ* qualifies witnesses and means *ukṣavataḥ* (when they have deposed). Vide notes to V. M. p 74 for further explanation. This is the same as Br. p 308 v 15 where Dr Jolly translates differently

379 First amercement. This is a fine of 150 panas or 270 panas / vide Manu VIII 139 and Yaj I 366 /

380 Vir (p 164) reads 'vṛpi' and so holds that there is an option (viz. he may either be fined or lose his cause)

381 When faults are pointed out in a witness tending to affect his veracity or character, that is part of the trial of the suit and not a separate proceeding, but if further witnesses are allowed to be cited to prove the character attributed to him, then it would lead to

them all down on paper (or leaf) and then (the witness) should be made to reply to them (to meet the faults)

383 In case of the admission (of the faults in the witnesses cited), they do not deserve to be witnesses (in the cause tried), if it be otherwise (i. e. if the faults be not admitted), they (the faults) should be established by the opponent by offering proof of them

384. The opponent not clearly establishing the faults (pointed out in) the witnesses should be made to pay a fine , all the witnesses that are established (as faulty) become bereft of the character of (proper) witnesses

385 (The judge) should discern the (real) intention (or mental state) from the outward manifestations (such as sweat horripilation), the gestures (looking down at the ground &c.) and physical movements the litigant becomes a losing party and he is found out (to be so) by inference (from the signs mentioned above)

386 Shaking (of the body) perspiration languishing (of the body), dryness of lips licking (of the corners of the lips with the tongue), scratching the ground (with the toes), restlessness (lit. leaving the place where one stands) looking sideways or upwards (towards the sky), change of voice—these the wise declares to be the signs of a false (party or witness)

examination of witnesses *ad infinitum*, as these latter witnesses again may be attacked by examining others and so on Vyāsa quoted in अत्रर्त्तं 'यद्वहामातृका and एतद्विषय' makes this clear सर्वदेव सखिभिः सख्ये दूतं दूतसामग्रात् । अद्वयं वात् दोषस्तथाप्यन्ममवात् ॥ Compare sections 146 and 153 of the Indian Evidence Act

384. We should understand *doṣam* after *śaksinah* and connect *śpṛṣṭam* with *abdhāyan*

385 This verse primarily applies to the parties but the same rule holds good in the case of witnesses *Prativādi* here stands for both the *sas* (each of which opposes the other). Compare *Manu* VIII 23 26 for almost the same ideas and words. These signs do not decide the matter but they raise great suspicion and they make the judge and *śaksayas* scan the whole evidence very carefully

386 Compare *Yaj* II 13 15 and *Nār* p 90 v 195 196 VI VIII 18 for similar signs The reading *va varṇaym* (losing colour, pale ness or darkness of face) is better and is supported by the text of *Yaj*

or less (than what is alleged in the plaint), then the entire claim does not certainly succeed

397. When witnesses depose only to a part of the matter alleged (in the plaint or reply) in charges of adultery, heinous crimes (adharma) and theft, the whole of the matter that is alleged may be held proved.

398-399 Where (the statements of witnesses) are less or more (than what is affirmed by the parties), the depositions of witnesses should be omitted (from consideration); the witnesses in such a case are not liable to fine; he (witness) deserves to be fined if he does not depose (to what he knows). When the depositions of witnesses are in conflict as to the place, time, the amount of money, the number, colour, the species, the form or shape and the age (as stated in the plaint or reply), the wise say that the depositions are (as good as) not given.

400-401. When several matters have been definitely asserted (in the plaint or reply), if the witnesses, when the time for deposing arrives, do not make a statement coinciding with the

or less than the claim, the whole claim is not established i.e. by the mere proof of a part, the whole claim will not be awarded, as there will be doubt in the court's mind as to the truth of the claim. He will then have to adduce other evidence to prove the claim. Compare Yāj II. 79, Nār. p. 96 v. 234 and Br. p. 303 v. 32 for the same proposition. Vide verse 219 above, which applies where the opponent totally denies every item of the claim and the plaintiff establishes some of the items claimed. Verse 473 applies where a son is called upon to pay his father's debts and he says he does not know. There he cannot be said to deny the whole claim and so the principle of verse 219 cannot apply. Vide verse 365 for 'ekhrakarmasu' applied to 'debt and the like'. In 397 it is laid down that even when witnesses are cited to prove all facts stated in the complaint about certain heinous crimes and they depose to only some of them, the whole may be held proved.

398-399 This applies to civil disputes like recovery of debts, as in 396. For the fine for not giving evidence vide Yāj II. 76. For 399, compare similar provisions in Nār. p. 96 v. 233 and Br. p. 303 v. 33.

400-401. Verse 400 is the same as Nārada, mādāna 232, and 401 is almost the same as Nārada, mādāna 234. It would be better to read 'anukram' in 401. As both these verses do not add to what

statement (in the plaint or reply) that testimony becomes no testimony Where witnesses depose to matters either more or less (than those in the plaint or reply) that should be regarded as improper (testimony), this is the certain conclusion about (the testimony of) witnesses

(*Faults of witnesses and fines imposed on them*)

402-403 If deposing to everything even when not asked or not replying to what is asked, witnesses should be arrested, censured and fined according to the (rules of) law In the case of abuse (defamation or libel) and in case of deceit they (witnesses) should be made to pay a fine of three hundred (panna) and in disputes about (recovery of) debts and the like, they should be made to pay the amount of fine and also the debt (in dispute)

404 A witness who has not been appointed (as a witness at the time of the transaction in dispute) or who is not summoned (as a witness) or who is not pointed out (as a witness) should be fined, since he is a vile person when he deposes saying 'this is true, that is false'

405-406 If one who has witnessed a transaction would not depose as a witness he would have to bear (i e pay) the debt (in dispute) and an equal amount of fine, but in disputes other than this (i e other than debts) he deserves to be fined three hundred Witnesses who, having first said one thing, depose contrary to that should be fined, since they are full of deceitful words

as stated in 396-398 it is probable that Sar ascribed them to Kāt through oversight. Kaut. says कालिदासविशेषोक्तम् > गुणवैशिष्ट्यादिवशम् एव दत्तव्यं अतिरिक्तं वा न्युक्तदतिरिक्तं तत्राह हरेः (text p 176) Vy Māt. (p 312) has a long note on verse 406 in which he refutes at length the views of Yogyoka on this verse.

402-403 Compare Gautama XIII 6 'अपनेष्टव्यं दण्डे च दण्डित' eg Yāj II 77, Br p 303 v 31 and Vi VIII 37 Jha Sm. C notices that in v 403 'they' refers only to witnesses who do not reply to what is asked

405-406. For 405 Compare Manus VIII 107 (which prescribes a fine of one tenth of the debt in dispute) Yāj II 76 (who also prescribes only one-tenth). Kaut. (p 177) notes the view of the Mīnavaas कृतमधिको दण्डमप्युक्तं वा ना. न्युक्तदण्डेण दण्डवति मानवा

Here, 'das agunam' is probably a wrong paraphrase of 'das'bandham in Manus VIII 107

387. Witnesses should give their deposition inside the hall of justice and not anywhere else; this is the rule as regards all oral evidence, but it is otherwise as regards immovable property.

388. Witnesses should depose in the presence of the plaintiff and the defendant and near the matter to be established (in the suit) and never behind the back (of the parties).

389. Depositions should be taken down near (lit. over) the matter (in dispute) and in some cases even in places other than these two; this is the rule in (disputes about) quadrupeds and about bipeds and immovable property.

390. In all judicial proceedings (lit where proof has to be given) witnesses should be made to depose even in the absence of things that are to be weighed (like gold), that are to be counted (like coins) or that are to be measured (like corn), but not in other cases.

391. In the case of the killing of living beings, witnesses should be made to depose in the presence of (an image of)

387. In the case of immovable property, the evidence may be taken on the property itself

389. The words ' tayaṣṭi vinā kvaṣit ' are explained in one way by Sm C. and Par M' and in another way by V. M. and Vir. The former say, witnesses are to be examined in court and may be examined also on the immovable property in suit. These are two places (tayaṣṭi) for the examination of witnesses, but in rare cases (kvaṣit) depositions may be taken elsewhere as said in verse 391. According to V. M. and Vir. the word ' kvaṣit ' is illustrated by the latter half (e) in disputes about cattle &c or about slaves &c depositions may be taken near the subjects of disputes and ' tayaṣṭi ' is taken by V. M. to refer to the parties.

390. When the matter to be secured by litigation is gold or coins or grain, witnesses were to depose in court even without these being in court.

391. As Śiva is the god of destruction, it was probably thought that in the case of slaughter of human or other beings, depositions should be taken in a temple of Śiva. If we read ' Śava—', as the Par. M. does, the verse can be more easily construed. It would mean: witnesses should depose near the corpse, or in its absence

Siva, but (this should be done) in the absence of any marks (of the animal killed or of killing), but when it is otherwise (i.e. when some mark exists) the witness should not be made to depose at all (in the temple of S'iva ?)

892 The words of the witnesses when free from faults should be taken down as naturally narrated by them, when the witnesses have stated (what they know) they should not be questioned by the king again and again.

893. Whatever the witnesses narrate naturally should be accepted as useful for deciding the legal proceeding, whatever they say otherwise than in this way is useless for the purpose of (finding out) the truth

894-895 Whatever was observed by witnesses in a group should be deposed to in the same way (i.e. simultaneously) but what was seen by each separately should be deposed to separately. When a certain matter was known (perceived or experienced) by witnesses at different times they should depose separately and at different times. This is the view of Bhṛgu

896 In disputes about recovery of debts and the like which are of a permanent character, if witnesses depose to more

near some mark (such as horn &c) of the animal killed. Here ' tadabhāve means Śivābhāve but if we read Śiva then ' tadābhāve cannot mean Śivābhāve (as temples of Śiva must have been found everywhere in Kātyāyana's day) and tad then means śakṣyam and abhāve is to be connected with ' abhāve. The Vir (p. 168) goes so far as to explain that when there is a mark then there is no need of deposition of witnesses. Vide my notes to V M p 75

393 Naturally means without fear and the like

394-395 It is noteworthy that earlier writers like Aparīkṣa ascribe these verses to Kāt while later ones ascribe them to Yaśodha. Compare Gautama XIII 5 and vide Vir p. 169 which notices Haradatta's explanation.

396-397 ' Of a permanent character. — This refers to civil disputes like recovery of debt, in which there is no urgency while in crimes there is urgency. Verse 396 lays down that if witnesses are cited for proving the whole of a claim and they depose to more

*(Ordeals and their assignment according to the several
titles of law)*

411 No one should appoint the plaintiff (or complainant) so the (undergoing of) ordeals. Those who are experts in ordeals should offer ordeals to the defendant (or accused).

412-413 The ordeals of balance and others should be appointed in the case of those who are suspected by kings (of treason, sedition &c) for proving the purity of their intentions. In such cases no undertaking to pay fine should be laid down (as a condition before ordeal is offered). The ordeals of balance and others should be appointed in the case of those who are labouring under scandals among the people and who are suspected of association with dasyus (robbers). In such cases there is no undertaking to pay a fine (as a condition before ordeal is offered). (This is the view of) Birgu.

411 This states the general rule about offering ordeals. Vide Nir p 101 v 267 and Yaj II 95-96 which say that when the plaintiff files his action with the undertaking to pay a fine or undergo bodily punishment if he were defeated, ordeals were to be offered to defendant or there is an option: e by mutual agreement any one of the parties may undergo ordeal. The Chândogya Upaniṣad (V 16) contains one of the oldest and clearest references to ordeals. Among the older Dharmasūtras apastamba (II 11 29 6) refers in general terms to divine method of proof but gives no details. Manu only (VIII 103-116) refers to administration of oaths and alludes to ordeals of fire and water (VIII 174). Vi IX-XIV speaks of five ordeals (of balance fire water, poison and kusa). Yaj II 95 speaks of the same five but seems to have known of phala also (II 99). Narada (śraddhānirṇaya 251-348) adds the ordeals of 'taṇḍulabhaksana' and 'taptamāsa' to the five of Yaj and Vi. Brhaspati (Br p 315 vv 4-5) and Pītāmaha speak of nine (adding phala and dharmaja to the seven of Narada). Pītāmaha gave the most elaborate treatment and about 200 verses of his on ordeals are quoted in the digests. Kāt. distinctly names seven but seems to have known more (vv 460-461).

412-413 Śiras is explained as the undertaking to pay a fine if one were defeated, since fine is the fourth (and so last and most important part) pada of vyavahara depending on victory or defeat and therefore is called 'śiras' or 'śirṣaka'. In these cases mentioned in 412-413 there is no necessity to insist on a melody, undertaking to pay a fine or undergoing corporal punishment. The important matter is to clear one's character and so the man may at once offer to undergo an ordeal when charged with any one of them.

414 In charges based on suspicion no undertaking to pay fine or undergo corporal punishment should ever be laid down (as a condition) in offering the ordeal of 'kośa'. Ordeals should be offered to the servants of the king without (the requirement of) an undertaking (to pay fine &c.)

415 The ordeal of 'kośa' alone should be offered in cases of securing confidence when there is suspicion, always at the time of partition among members of the same family and when several persons do one act in a body

416 Where there is a denial of a gift (lit of a thing given), (the judge) should (first) find out the standard value of the thing in gold and should then settle which, if any, ordeal was to be offered. In the case of theft and heinous crimes (*śulāsa*) ordeal should be offered (to the accused) even when the subject (of the crime) is of slight value

417 Understanding the price of all things (that are the subject of dispute), (the judge) should find out (their equivalent in) gold and then he should appoint the (proper) ordeal in accordance with the amount of gold (in dispute)

418-419 After ascertaining (for the value of the subject matter in dispute) the number of *suvarnas* it is declared that in the case of denial (by the accused or defendant) of a hundred (*suvarnas*) poison (is the proper ordeal), for

414 'kośa' ordeal is always meant only for proving 'dittafaddhi', so it is to be undergone without an undertaking when one is simply suspected. In plaints of a serious character even the ordeal of *kośa* cannot be offered without an undertaking. Vide Yāj II. 93 for latter half, compare Nār p 165 & 270

415 *Kṛtyasamūhakarṭṭi* may also mean where there are several persons on whom the burden of proof lies in various ways. Vir p 119 explains as above. *kośa* orde consists in drinking three handfuls of water used in bathing the gods like Durgā, the Sun at the time of worship. Vide Yāj II 112, Nār p 116 & 329

417 Compare vi. IX. 4 सत्यप्रमाणेनैव मूलं यथा वस्तुदेव

418-419 The Mit. says that Yāj II 93 (that neither the ordeal of *śloṅghaśar* nor poison nor balance was to be offered up to a

425. He should omit fire (ordeal) in the case of those who are lepers and water in the case of those who suffer from difficulty in breathing and cough; he should always omit poison in the case of those who suffer from (excess of) bile and phlegm.

426. The ordeal of *kośa* (sacred water) should not be offered by the wise to drunkards and persons addicted to women, to gamblers and those who are irreligious in their life.

427-430. A king bent upon *dharma* should not prescribe ordeals for those who are charged with killing their mother, father, a person of the three higher castes, a teacher, a child, woman and king, those who are guilty of the grave sins and particularly those who are irreligious, those who wear (or subsist by means of) peculiar sect-marks, those who are great rogues, those who are experts in *mantras* and *yoga* practices, those who are the progeny of mixed unions, those who repeatedly engage in sin and in charges of the above description and in all other censurable matters. The king should offer ordeal (in the case of these men) to good men appointed by these (to undergo an ordeal); where good men do not desire (to undergo ordeal for them), the king should test their innocence by (offering ordeal) to their own men (i. e. their relatives and friends).

431. Ordeal should not be offered (to be performed in person) to those who are guilty of grave sins and specially to those who are irreligious and to those who are addicted to repeated commission of sins.

432. In these disputes (the king) should vigilantly make (the persons charged) undergo the ordeals through good

425. Compare V. IX. 29 and Nār. p. 101 v. 255.

426. Compare Nār. p. 117 v. 232.

427-430. For the five great sins vide *Mān.* XI. 54. What is meant is that these persons should not be called upon personally to undergo an ordeal and it is not meant that ordeal should not be employed in their cases.

431. This practically repeats the latter half of 427 and the last quarter of 428.

men (though) forbidden (to them in their own person), he should not leave the person charged of sin (without testing his guilt or otherwise by ordeals), (this is the view of) Manu

433 But in the case of the untouchables the lowest castes, slaves, mlecchas and those who are the offsprings of mixed unions in the reverse order of castes when guilty of sins the determination (by the above named ordeals) should not be done by the king He should indicate such ordeals as are well known among them in case of doubt (about their guilt).

(*The proper place of ordeals*)

434-435 (The king) should employ (ordeals) in a well known temple in the case of men who are accused of the grave sins and near the royal gate in the case of those who engage in treason Ordeal should be offered in a public square where four roads meet to those who are the progeny of mixed unions in the reverse order of castes, the wise declare that in cases other than these ordeals should be offered inside the *aśādh* (hall of justice)

436 He (the king) should appoint whatever ordeal is proper, when the time or place is in conflict (is not appropriate), he should make another (a person appointed by the

433 When a male of a lower caste enters into union with a woman of a higher caste than his own it is said to be a *pratisam* union The *Divyastotra* (p 579) of Raghunandana explains that the ordeals well known among these people are those of the snake in the jar and the like This explanation is copied by the *Vir* p 238 and the *V M* p 49 The *Sm C* explains that this rule is to be followed when relatives appointed by them for undergoing ordeals cannot be had

434-435 The *Par M* explains *Indrasthana* (lit place of Indra) as implying any temple of a well known deity while the *Divyastotra* explains it as place where the banner of Indra was raised and the *Vir* p 241 follows this The *Indradhvaṇa* was a festival in honour of Indra in the bright half of *Bhādrapada* from the 8th to the 12th (11th being the principal day) Vide the *Bṛhat-saṃhitā* of Varāhamihira chap 48 *Compendio Nār* p 104 v 265 which says that the balance was to be planted near the royal gate or near a temple or where four roads meet

436 *Vir* p 238 and *V M* p 49 reads, -*āyirodhe* (when the

accused) undergo the ordeal , this is the rule when the opposite is the case (i e when the accused cannot undergo ordeal in person)

437 When (ordeals) are administered at an improper time or place and when they are performed outside human habitation (i e in a lonely place), they always fail as to the matters in hand , there is no doubt about this

438 If the means (i e the ordeal employed) fails, then the matter to be decided should again be investigated (by other ordeal), even when ordeals are offered by fools, greedy persons or by others who are vitiated (by some defect or other) and undergone they should be ignored by the king and he should offer them again in accordance with what is said above

439 Therefore an ordeal should be administered according to the rules prescribed by persons expert (in those rules) If an ordeal is administered against the rules, it is not capable of establishing that (matter in hand)

440 When the scales or the balance or the rope breaks and when there is a doubt as to whether (a man's) innocence has been established, (the king) should again test the man (by ordeal)

(*The procedure of fire ordeal*)

441 If the accused (undergoing the fire ordeal) misses his footing or is burnt elsewhere than in the proper place the gods declare that it is no burning, the king should again offer him (fire ordeal)

time and place do not conflict). This seems to be better

437 The idea is that they cease to be decisive of the matters in dispute when so administered Dr Jolly (Nâr p 250 v 13) renders constitute a deviation from the proper course of a law suit, but this is not accurate

439 Dr p 517 v 18 is almost the same verse

440 Compare Vj A 13

441 ' The proper place ' viz the hands in the fire ordeal (and not other parts of the body)

(The procedure of the water ordeal)

442 445 For establishing innocence (by water ordeal) he should make ready arrows the points of which are not made of iron and which are made of pieces of bamboo and the archer (lit the person throwing) should throw (the arrows) with great force . When (the arrow) is discharged (the accused) should dive (into water) and simultaneously with the diving (another person) runs (to the place where the arrow fell), when he reaches that place, (another man) starts back (from the place to the place whence the arrow was shot) and another man stands in water (whose thighs the man undergoing the ordeal and diving holds underneath the water) . If only the head (of the accused) diving in water be seen (by the person who returns to the place whence the arrow was shot) and neither the ears nor the nose, then he (the king) should declare him to be innocent . If a man after diving again rises up (over the water), being bitten by an (aquatic animal), he should again dive into the water when the marks of the bite have been shown

(Procedure of the ordeal of poison)

446 That is known to be the Sārga poison which resembles the horns of a goat is dark and yellow and produced from the peaks (of mountains) and looks like ginger when crushed

442 445 Vide my notes to V M p 108 for the whole process of the water ordeal . In 444 read *śrōmatram* . Vide Nar pp 111 113 verses 300 314 for a complete description of this ordeal . He should again dive into the water - i e he should undergo the ordeal again . We should read in 445 with the *Diryatattva* (p 601) *dayatā* and *dayāśāhna*

446 It is better to read *supitam* and *śārgam* . Nar (p 115 v 322) speaks of *śārga* poison from the Himalayas as the poison to be given in ordeal and Kat. appears to be explaining it . Dr Jolly translates *śārga* as from *śārga* plant which is doubtful . Visnu XIII 93 has *विषम्वद्वानि यवगिः कन हिमवतःपर्वतगताः* and Yaṣ II 111 *एवमुक्त्वा विषं च न मस्यदेहिमनैवममुं* . That is said to be *Śārgaka* poison which being tied to a cow's horn makes her milk blood red

447 That (poison) makes the blood dark and hard (clotted) in a moment. In this way those who are expert in ordeals should know (this) ordeal.

448-449 That should be known as Vatsanābhaka, which is yellow and like the navel of a calf and appears like mother-of-pearl and conch when crushed, it is known for certain from its colour. It should be at once made pure by adding to it honey and milk. Those who carry out (the dictates of) dharma declare the outward signs (of poison) in this way.

450 One should give poison (as an ordeal) to a person in the forenoon and in a cool place. The poison should be mixed with 80 times of ghee and should be pounded into fine powder.

451 He should give to the person to be tested (by poison ordeal) poison less by one-eighth from the 20th part of the sixth part of a *pala* of poison and it should be mixed with ghee.

(The procedure of the ordeal of sacrificial libation.)

452 In the case of slight wrongs (or crimes) the person charged should be made to drink the water of the weapons of the deities after bathing them (in worship). If he undergoes change he should be declared to be guilty and should be punished, but if otherwise he (should be declared to be) innocent.

451 *Pala* is equal to 960 *goras*. Vide *Manu* VIII 134-135. 1/20 of 1/6 of a *pala* is equal to 8 *goras* and when one-eighth is deducted it is seven. So seven *goras* of poison were to be given as a general rule. This verse is the same as *Nar* p. 115 v. 323. Verse 324 of *Nār* says that seven or eight *goras* may be given in winter, only five in summer and six in the rainy season.

452 If he undergoes change, i.e. if some calamity befalls him (as indicated in vv. 410 and 437). *Nar* p. 116 v. 330 Br p. 311 v. 24, V, XIV 4-5 say that if he meets with a calamity in a week or fortnight it shall be regarded as proof of his guilt. Compare for the *koda* ordeal, Yāj II 112 *Nar* p. 116 v. 329, Br p. 318 v. 23 (whatever deity the accused happens to be devoted to, let the judge bathe the weapon of that deity in water and give him to drink three hand-fuls of water).

(The procedure of the ordeal of tandulas)

453 In the case of the ordeal of the water of the bath of desties and in the ordeal of chewing rice the accused (is declared to be) innocent if what he spits out is pure (not streaked with blood) ; if otherwise he is guilty and should be punished

454 (The king or judge) should make the plaintiff (or complainant) who attacks (the defendant) with pride pay a fine and also the subject matter of dispute, when the defendant is found to be innocent by means of the kosa ordeal. A religious king should honour the person who is (found to be) innocent by means of an ordeal

455 Where (in an ordeal of tandula) blood is seen (i.e. issues forth from the mouth) or the hair on the chin sink (or) shattered or fall off) and the whole body trembles (the judge) should declare the man to be guilty

456-457 (The judge) should sedulously make the accused pay, after three weeks in case of the befalling of fateful calamities (on the defendant undergoing the kosa or tandula ordeal), a fine and the subject of dispute. If any one of the following befall him alone and not all people (in the neighbourhood,) viz disease, fire, the death of a near relative (like son or wife) then he should be made to pay the fine and also the debt (i.e. subject of dispute)

453 It is better to read as V M does ' dāgḍha for dhve. The Tandula ordeal was administered in case of theft only and in it grains of rice were placed in an earthen vessel in the sight of the image of the Sun and after pouring over them water in which an image of the sun had been bathed and keeping them in that way for the night the judge gave the water to the accused in the morning. Vide Nār p 118 vv 338-343 and Br p 318 v 25

455 This is Nār p 119 v 342 where we read दन्तमल्ल व शिखरे whose tooth flesh is shattered for etc

456-457 Dairav sarvada it means the non correspondence shown by fate. Verse 468 enumerates some of the strokes of fate from which one was to judge. Compare Nār p 115 v 350. If many people suffer from an epidemic (instead of the person undergoing an ordeal), that was no sign for the inference of guilt or defeat and the disease must be serious and not slight

458 The diseases brought on men by (the wrath of) Fate are tuberculosis, diarrhoea, boils pain in the palate and bones eye disease throat disease and so also seizure (by evil spirits) headache, fracture of the arms

459-461 (The king) should cause fifty (panas) to be paid by the man who is found innocent (by ordeal) and one who is found guilty (by ordeal) is liable to pay a fine. In the ordeals of poison water fire, balance sacred libation rice grains, and in the ordeal of taptamśa (the judge) should prescribe a (special) fine (for the defeated party) of a thousand panas six hundred (or) hundred four hundred three hundred two hundred or one hundred respectively and a lesser fine in the case of lesser ordeals (than these)

(*Procedure of Oaths*)

462 Where some (religious) rite is enjoined but there is no express mention of the limb of the person doing (with which it is to be done) there the right hand is to be understood as meant for carrying out to the end the rites (enjoined)

463 He on whom no terrible calamity due to king or fate befalls up to the fourteenth day should be regarded as pure by taking oaths

459 461 The fifty panas that the innocent man has to pay is not a fine but is in the nature of return (modern court fee) to the state for the services of the judge etc. Compare VI VI 21 for successful plaintiff paying 1/20 (to the king). Verses 460 461 specify the special fine to be paid on account of defeat by the several ordeals in addition to the fine laid down for the defeated party by Manu VIII 59 and Yāj II 11. Vide Mit on Yāj II 113. For taptamśa vide Nār p 119 vs 31^o 348 Br p 313 v 26 and V M pp 83 84 (text) which last gives two varieties of it.

462 This occurs in the Kṛtyāyanasmṛi (I 8 on oaths) published by Jivasaṃdha in his collection vol I. This means that if a person was to touch the head of his son or wife as a special oath he was to do so with the right hand.

463 This is practically the same as Yāj II 113. Compare Manu VIII 115. For the various forms of oaths vide Manu VIII 11^o 114 Nār p 100 v 248.

(Consideration of the transactions entered into by those who are lunatics or dependent and the like)

464 What is gifted or done by one intoxicated or one who is a lunatic or by one who had a different intention, that does not at all attain validity

465 The master may cancel a transaction entered into by one who is dependent (on him) The other party cannot file a suit against the master (on such a transaction) except as regards transactions entered into by those who were under a fear or those who were mad

466 The father is independent (is his own master) but (the son) whose father is living the brother (whose elder brother is living) the brother's son a younger member who has not partitioned his share of the family wealth, a slave and a mental (are dependent)

467 471 The gift, mortgage and sale of fields, houses and slaves entered into by those who are dependent do not attain validity if they are not approved of (by those on whom

464 Vide verse 271 above Who had a different intention This means that both parties to a transaction must take it in the same sense If the executant thought that he was executing one transaction (e g a mortgage) and what was actually written was a different one (e g a sale) then he could avoid Compare Kaut III 1 (p 143) तत्रात्रिकुदना तेन मदन मन्तनापण्डितेन क हता-द्वहारा न सिध्यति

465 Transactions entered into by those who are coerced or those who are mad can be nullified only by the king hence they are excepted but transactions entered into by those who are declared to be insane on behalf of their masters can be repudiated by the master himself Vide Nar pp 50 51 vv 33 34 for an enumeration of those who are *asvatantira*

466 Read *pitr̥asvatantira* and understand *asvatantira* after *pitr̥asvatantira* Compare Nar p 29 vv 29 31 (for son slave and younger brother) and Kaut III 1 (p 143) ' विष सम्पदाये ने रक्षकता (त्वत्तु) नाना-य - विषयः । अयमवस्थिति हन विदुमता पुत्रेण विता पुत्रवता विदुमन् प्रता राजपुत्रविभटा न ॥ ५०

467 471 When they are supported ' etc i.e. when they enter into the transactions with the permission or approval of their masters. For the depositous see 467 470 compare Nar pp. 49-50 vv 26-27 and 29 and for 470 compare *Uhaspall* व रसायना नियुक्तान् यनाश्वपराभने

they are dependent) All these (dependent persons) have authority for the sale and purchase of marketable goods, if they are supported (by their masters) when they enter into the transactions In the same way the (younger) brother, the brother's son or the son (have authority for the sale &c) of fields and the rest if they are appointed (authorised) to enter into these transactions by their elders when going (abroad) Who ever is appointed to do a certain act is master as regards that matter and his master has no power to undo the transaction entered into by him The dependence (on the father or husband) of the son or of the wife (consists only) in his (father's or husband's) right to control them (or their actions) but the father has no power over the son so far as selling or gifting him is concerned

(Decision of the suit)

472 Purification is declared by those who know the essence of śāstras to be the remedy (for wrong-doing) it is two fold viz. *prāyaścitta* (expatory rites) and punishment

कुमीरविषादिभ्य निस्तृप्त्यस्तु न रक्षः । प्रमाणं तद्वत् सर्व एवमाश्रमस्य च यत् । स्वर्गो
वा वि ने वा म्नायो त न विस्वत् । quoted in *सुष्ठि* III p 308 Vide
Br p 908 vv 6 This shows that Kāt uses the very word *निस्तृप्त्य*
used by *बृहस्पति* As to 471 several points have to be noted Ancient
writers appear to have held that a father could even sell his son The
Nirukta (III 4) refers to the view of some who relying on the story
of Sunahsepa in the *Aitareyabrahmana* held that the father could gift,
sell or abandon his son The *Vasīṣṭhādharmaśūtra* (XV 9) says
that the parents have power to give, sell or abandon their son
Manu VIII 416 and the *Mahābhārata* (Udyoga 33 61) say that all
wealth acquired by the son the wife and the slave belongs to him to
whom they belong The Māt comment on Yaj II 175 and the
Vir (p 567) hold that a man has ownership over his wife and
children But it is refreshing to find that Kāt holds the opposite
view and that the V M text p 92) definitely states that there is no
ownership over the wife or children Kāt (III 13 p 181) notes
that it is no crime for mlecchas to sell or hypothecate their children
but the *Āryas* cannot do so

473 In claims containing various items, the creditor (or plaintiff) secures (a decree for) as much property as he establishes (to be his) by means of witnesses

474 Where the defendant, after having totally denied (the whole claim in the reply) has to admit even a small part before (the court) he should be made to pay the whole. This is the view of Brhaspati

475 In this way (the king) occupying the seat of justice, should decide the causes with the advice or help of brahmanas in the presence of the litigants and not otherwise

476 The king after having himself looked into the judicial proceedings or after learning about them from the judge, should give a document of victory (to the successful party) for the purpose of information (to all)

(Rules about punishment)

477 478 The king should make a brāhmana return (a debt due) to the creditor by conciliatory words, make others return a debt according to the usage of the country and should make bad people repay (their debt) by means of physical pain (i.e. imprisonment &c) (The king) should make

473 According to the Sm C this applies where the opponent is not shown to be very wicked while according to the Mit. (on Yāj II 20) this applies to a case where a son when called upon to pay his father's debt replies that he does not know or that he was not then present or born. Vide notes on 396 above

474 If we read *mithyāpamāpi* etc the meaning would be 'having denied everything *na* in the reply of denial. If he admits even a little'. Compare *vi* VI 22

475 Compare *Manu* VIII 1 2 3; II 1

476 Vide *vy* 239 265 above for *pa-cātkāra* and *jayapatra*. Compare *Br* p 293 *vy* 3 4 Vide *Journal of Bihar and Orissa Research Society* vol VII p 117 for a *jayapatra* dated 924 A D

477-478 *Manu* VIII 49 sa a that a creditor was to recover his just debts in five ways viz *dharma* (conciliatory but truthful words) by *vṛyavāhira* (by *sa e*) *chala* (trick viz. bringing ornaments etc. from debtor under the pretext of a festival) *śārīra* (fasting at his door) and by force (i.e. putting fetters on him). When a creditor employed these means to recover a debt that was admitted he was not to be found fault

a copresoner or friend (of the successful party) pay by means of a ruse and also traders, husbandmen, and artisans. This is what Bhṛgu declared

479-480 On knowing (the debtor) to be unable to return the debt, (the king) should make him over (to the creditor) and make him work. If he be unable to work, he should be sent to jail except in the case of brahmanas. He should make husbandmen, ksatriyas, vaiśyas and śūdras repay (a debt) by making them work.

481 Punishment is not at all prescribed (by sacred

with by the king (vide Yāj II 40 and Manu VIII 50) but if the debtor denied the debt the only remedy was a suit. Vide Br p 330 vv 55 58 for explanation of the words *dharma dhala* *ksatriya* and *bala* *Sānta* stands for the remedy *dharma sampādya* for *ksatriya* and *bala*

479-480 Compare Manu VIII 17 and IX 229 and Yāj II 43 for making the debtor (who is not a brāhmaṇa) work. Punishment was either physical (from imprisonment to death) or monetary (vide Nār p 231 vv 55 56). A brāhmaṇa was not to be subjected to corporal punishment according to Manu VIII 124 and Gautama XII 43. The punishments for a brāhmaṇa were according to Gautama (XII 41) preventing him from doing the same thing depriving him of all wealth taking saraites from him proclaiming him as a thief in the town or city banishing him, putting on him the marks indicating his guilt (vide Manu IX 237). The Sm C (III p 292) relying on Manu IX 235 and other texts says that a brāhmaṇa could be imprisoned but he could not be subjected to any corporal punishment such as beating cutting off the head for theft etc. Manu VIII 170 says that touching the head of a brāhmaṇa for a or me is equal to the sentence of death. Āpastamba Dh S II 10 27 16 17 lays down that a brāhmaṇa guilty of murder theft for absezure of another's land was to have his eyes covered over with cloth for his life (so that he could not see anything). Though the brāhmaṇa was free from corporal punishment owing to the policy of the state in ancient India he could be imprisoned banished from the realm or could be deprived of the use of sight. Even in modern times state policy prevents the arrest or imprisonment of an agriculturist in the Bombay Presidency in execution of a decree for money vide sec 21 of the Decree Agriculturists Relief Act XVII of 1879.

481 Manu VIII 129 and Yāj I 357 say that punishment is fourfold, viz saying lie on you severe reproof or condemnation in words fine corporal punishment. Br p 387 v 7 lays down which of these four is appropriate to whom and p 387 vv 5 6 say that admonition (with the word *ho*) is appropriate to light offences,

texts) for the preceptor, the father the mother, and also the relatives, when these are guilty of offences

482 Where an offence was committed when life was in danger, there should be no punishment at all, this is the dharma (the rule of law) declared by Bhṛgu

483 (The king) should not at all award death sentence to a brahmana even though he may be guilty of any offence whatever (the king) should banish him from the kingdom with all his wealth and without any bodily injury to him

484 When (any person) from among the four varnas does not undergo *prāyaścitta* (expiation for offences committed) the king should prescribe (for him) proper punishment consisting of fine or corporal injury

485 If *kṣatriyas* or *brāhmaṇas* are guilty of an offence for which a *sūdra* is liable to be punished according to law then they would be liable to double and double (of the punishment for the *sūdra*)

reproof to *purvashansa* fine to *māddāgādhasa* and imprisonment to treason etc. The verse of Kāt is meant to forbid punishment by way of fine and corporal punishment only in the case of preceptors (c. Compare Śaikhya अन्त्यादीनां मातृपितृणां राजतन्त्रपुरादौ परिमार्जनं शरीरे च मर्कटशिशुद्वारेणैवाचारवन्तः (quoted in Sm C III p 296) and गो व सूर VIII 12 13 वृद्धे परिहारो राज्ञः वयस्यैव वयस्यैव अहिकार्यं शरीरावयवैरेव संशयः । Compare the principle underlying sec 562 of the Cr. Pro. Code. Yaj I 358 says that a king has to punish his own son or father in law etc.

486 This enunciates the right of private defence of body Compare sec 97 and 99 of the Indian Penal Code

487 Compare Gautama XII 49 न गारियां ब्राह्मणं and Manu IX 241 Vide Br p 388 v 11

488 The Par M explains that if the offending brahmana does not submit to being banished then he has to be punished just as a *kṣatriya* would be i.e. with fine or imprisonment Compare श्रौत ब्र II 5 10 17-18 ब्राह्मणं त्रिभुवनं च । वदति तेन वददास्व वद निवर्तस्व शापवत् । also गोतम XII 44

489 The idea seems to be that a *kṣatriya* should be awarded double the punishment which a *sūdra* would be awarded for the same offence and a *brāhmaṇa* four times as much

486 The king should punish a sudra who forsakes the order of sannyasins (after having entered it) and who intently practises *japa* (silent muttering of prayers) and *homa* with death (or corporal punishment) or he should be punished with double the fine

487 In the case of all offences women should pay half of the fine in money which is prescribed for a male, when (the punishment for an offence) is death in the case of males, (the punishment for women would be) cutting off a limb

488 Women who are not independent should not be arrested, it is the male (on whom they are dependant) who should be regarded as the offender (when they go wrong), they (the women) should be punished by their lord (i. e. the person on whom they depend), but the king should take away (for punishment) the male

489 Even if a woman whose lord has gone on a journey be consigned to jail she should be kept in confinement only till her lord returns

490 Whatever fine is carefully prescribed for an offence (in the smṛti texts) it should be understood that it is to be in *kāśapana*s or their equivalent (to be paid) to the king

491 Where fine of one fourth of *māsa* or one half of a *māsa* is prescribed (and then subsequently in the same context) there is no express mention of *māsa* in such cases one *māsa* should be prescribed as the fine

486 It appears that we should read *pravrajyāvasthitam* for *astam*. A sudra was to be punished if he entered the fourth order (*śrama*). This is the way in which the *Vir* p. 24 understands this verse. Note the well known story of Śambhūka (*Ramayana* Uttarakāṇḍa 74-76)

491 This verse as it stands is not clear. The reading of *Kulluka* is clear and means that a *māsa* must be held to be golden where the metal is not specified. *Saras* p. 150 notices that according to *Vijñāneśvara* the fine of a thousand means a fine of copper *panas* while according to *Bharuci* it means a fine of a thousand golden *masas* and that in this matter the usages of countries should be followed

492 When the punishment (or fine) is declared to be in *masas*, then it should be understood that they are to be of silver and where it is declared in *kṛṣṇalas* there also the same conclusion about the fines declared is to be understood

493 494 A *māsa* is to be understood as the twentieth part of a *karsapana* and a *kākani* is equal to the fourth part of a *māsa* and of a *pana*. In the land of the five rivers this (the following?) nomenclature is in current use. A *karsapana* is to be understood as *Andika* four *karsapanas* as equal to one *dhānaka* 12 *dhānakas* as equal to one *suvarna* which is also called *danāra* and *citraka*.

(review of judgment)

495 Where a certain matter (or side) is determined

492-493 According to *Manu* VIII 132 134 and *Yaj* I 362 363 eight *trasareṇus* (motes in sun beam) are equal to *likṣā* 3 *likṣās* = one *rajasarsapa* 3 *rajasarsapas* = one *gaurasarsapa*, 6 *guarasarsapas* = one muddling *yava*, three *yavas* = one *kṛṇala*, five *kṛṇalas* = one *masa* and 16 *masas* = one *suvarna* four *suvarnas* = one *pala*. According to *Yaj* four or five *suvarnas* make one *pala* 4 *karsas* are equal to one *pala* and copper equal to *karsa* in weight is called *pana* or *karsapana*. A *pala* therefore was equal to 64 or 80 *masas* and if we take a *pala* as equal to 80 *māṣas* then a *karsa* which was $\frac{1}{4}$ of a *pala* would be equal to 20 *masas* and this is what *Kat* says in the first half of 493. In the latter half of 493 *Kāt.* seems to follow another nomenclature. *Haradatta* on *Gautama* XII 19 (गण मासं नति) quotes a verse of *Usanas* मासो विंशतिपणसु नैव शतपणसु किं ककियं तु चतुषशः सप्तद्वयं पणं नैव । According to *Bhaskarācārya's* *Līlāvati* (verse two) twenty *varātakas* are equal to one *kakini* and 4 *kakinis* equal to one *pana*.

494 The latter two halves are almost the same as *Br* p. 317 v. 15 and both 493 and 494 almost the same as *Nārada* (text appendix p. 229 verses 58 60). Dr. *Pran Nath* devotes one chapter (III) to these terms in his *Economic Condition in ancient India* and traces *dhānaka* to the Persian *Danaq*.

495 The words *tirita* and *anuṣṣita* occur in *Manu* IX 235, where it is laid down that what is *tirita* and *anuṣṣita* should not be overturned by the king and renewed but should be upheld. *Kāt.* explains these words in his own way. *Kullūka* explains them

by the *sabhyas* themselves as true though it be really untrue, it is said to be *śāstra*, that matter is said to be *anusāstra* which is declared (as true) on the testimony of witnesses.

496 If a party be not satisfied with the decision (of his claim) even though given by the family and other tribunals, the king should reconsider that decision and should upset what was wrongly decided.

(Discourse on interest in recovery of debts)

497 (A money lender) should never hand over a loan to (dependant) women to slaves, and to minors. The lender cannot recover back that wealth which he gives to these.

498 That rate of interest which the debtor promised in addition (to the rate allowed by *śāstra*) and which was promised in times of difficulty must always be given, though it is of the *kārita* kind, but interest of the *kārita* kind incurred in other circumstances should never be paid.

as 'decided according to the rules of *āstra* and taken so far as to recover the fine from the defeated party' respectively. The verse of *Manu* even as interpreted by *Kullaka* forbids review of judgment on the ground that a litigation was fought out by women &c. or forbids a review solely at the king's pleasure. But where the *sabhyas* are clearly wrong or where witnesses have borne false testimony a review was allowed. *Narada* allows the same words (*Nar* p. 23 v. 55) and allowed a party to make an application for review if he agreed to pay double the fine. Vide *Yaj* II 306 and verses 294-295 above.

496 Vide *Yaj* II 305 for a similar provision. Verse 83 above sets out various grades of tribunals.

498 Interest is either *lita* (agreed upon between the debtor and creditor) and *akṛta* (not agreed). The first is of six kinds *arjita*, *karṣita*, *śaṅkṣita*, *śikṣita*, *śikṣita* and *śikṣita*. Vide *Dr* p. 321 vv. 5-11. *Yaj* II 37 laid down that interest was to be 1/80th of the principal per month or 2, 3 & or 5 percent per month according to the order of castes. If more was promised by the debtor himself than this he had to pay it. Vide *Yaj* II 38. *Manu* VIII 153 mentions the first four out of the above six and so does *Nar* (p. 66 v. 103-104). *Gautama* XII 31-32 mentions six kinds (five being the same as above and the 6th being called *arjita*). *Āt* refers to both *bhagabha* and *adbbhaga*.

499 Where the debtor has to pay interest to the very end and where he pays it every time (i e every day) that is declared to be *śikhaviddhi* (hair interest)

500 That is declared to be *bhogalabha* (interest by enjoyment) when (the lender) derives pleasure from (a mortgaged) house (by residing in it) or the crop from (a mortgaged field)

501 Where the complete enjoyment of the thing pledged (or mortgaged) is agreed to be the interest, that transaction of money-lending so entered into is said to be *adhibhoga*

(*Interest in transactions where there is no agreement as to interest*)

502-504 When a person takes a loan (of money or an article) and goes to another country without returning it that loan begins to acquire interest after a year (from the date of the loan) . If a person after taking a loan (from a person) goes to another country without returning it even when pressed (by the lender to return it) that loan begins to acquire interest after three months (from demand) Where a borrower does not return (a loan) even though he be in the country and even when he is pressed (to return the loan), (the king) should make him pay interest from that day (i e the day of demand) though it was not agreed upon and though he be unwilling to pay interest

499 We must read च र्द्वे The verse as it stands makes no sense Haradatta on Gautama XII 32 and Saras p 203 add one verse from Kat which was omitted through oversight *दिनम् अथ मित्य मिद्वर्षमिव वदेत् । सूते दत्तं तद्वर्षे मिद्वर्षमिति स्मृतम् ।* (it constantly grows like the top knot on the head it ceases by the head being cut off) i e by the principal being paid therefore this is called hair interest Vide Br p 3¹ vv 7 8

500 This explains *adhibhoga* in Gautama XII 32

502 504 Verse 502 applies where the lender makes no request for return, 503 where he makes a request for the return of the loan 504 where a man is in the country and does not return the loan though pressed Compare with 50. VI VI 4 Verse 504 is referred to in *śaśaśanayay Śikṣasāra* on 31 I om 304 at pp 361 362 *Phana* (IV 4 21) deserves *śikṣa*

505 What is lent through friendship (or affection) does not bear interest as long as it is not demanded back. If it be not returned even though it is demanded back, it bears interest at (the rate of) five per cent (per month)

506 A deposit balance of interest purchase and sale, these, if not paid when demand is made therefor, bear interest at five percent (per month)

507 When a man after purchasing some goods, goes to a different country without paying the price, the price begins to earn interest after three seasons (i.e. 6 months)

508 There is no interest at any time on hides (or armour) crops, wine gambling debts the price of commodities sold the bride price of women and debts incurred as surety

(The rate of interest)

509 Money lent at interest may always be recovered by the creditor up to double (of what was lent). If he cannot recover double (of what was lent) he should again add further interest

503 Compare Nār p 68 v 108 31 Bom 354 at p 361 refers to this verse and it is said (at p 364) that it was an incident annexed to every contract of debt by the Hindu Law that interest though not stipulated should run on it in the event of non payment after demand from the date of such demand. Neither the Interest Act XXIII of 1839 nor the Contract Act affects that rule of Hindu Law

506 Purchase and sale -if a chattel is purchased and the purchase money is not paid even though demanded this verse applies and the interest runs from the date of demand

507 The Vir explains that this applies where there is no demand made for the money

508 There can be no interest in these cases unless it is expressly stipulated for. As to prices of commodities there is no interest only when the purchaser does not leave the country and there is no demand. In the case of a deposit also there is no interest as long as it is kept intact and is not demanded back. Compare Nār p 33 v 36

510-512 The interest stands at double in the case of jewels, pearls, corals, gold and silver, fruits, silken cloth, woollens. In the case of all oils, liquors and ghee, the (maximum recoverable with) interest should be known as eight-fold and also in the case of raw sugar and salt. (The maximum recoverable with interest) is fivefold in the case of all metals other than gold and silver and eight-fold in the case of land. As the text says 'at once' it (the maximum) should be paid at once.

(Recovery of debts—the rule when there are several debts)

513 Where several debts are executed in writing on the same day (the king) should treat them all as equal, so far as the security, its protection and enjoyment are concerned, in other cases (i.e. where the debts are not of the same day) they should be paid in order (of dates).

510-512 Verse 510 says that the rule of *damdapat* applies in these cases. Read 'phala' for 'phala' in 510. The sages are not agreed as to the rate of interest on various articles and so Nārada observes that there are several local usages (Nār. p. 67 v. 103). Compare Gautama XII 28 and 33, Manu VIII 151, Vas. II 44-47, Yāj. II 39, Vā. VI 11-17 for varying rates. All are agreed as to gold or money that the interest recoverable at one time in a lump cannot exceed the principal, which is called the rule of *damdapat*. There are numerous cases explaining the limit of the rule of *damdapat*. Vide I L.R. 1 Bom. 73 (damdapat not applicable to interest recoverable in execution of a decree); I L.R. 3 Bom. 131 (rule applies only to Hindu debtors); I L.R. 20 Bom. 721 F.B. (rule of *damdapat* does not apply to mortgages with possession where the terms agreed upon necessitate the existence of an account current); 11 Bom. L.R. 551 (p. 555 summarises three propositions); 35 Bom. 199 (the Transfer of Property Act does not take away the protection of the rule of *damdapat*); 21 Bom. L.R. 410 (this rule does not prevent an agreement between creditor and debtor to capitalise interest at a stage when the interest does not exceed the principal). Under the Deccan Agriculturists Relief Act (XVII of 1879) the benefit of the rule of *damdapat* is given even to non-Hindu debtors who are agriculturists.

513 If all debts borrowed on same date can be recovered from the debtor, they should be treated equally, but if all cannot be fully recovered, then each should be recovered from the property of the debtor *pro rata*.

505 What is lent through friendship (or affection) does not bear interest as long as it is not demanded back. If it be not returned even though it is demanded back, it bears interest at (the rate of) five per cent (per month).

506 A deposit, balance of interest, purchase and sale, these, if not paid when demand is made therefor, bear interest at five per cent (per month).

507 When a man after purchasing some goods, goes to a different country without paying the price, the price begins to earn interest after three seasons (i.e. 6 months).

508 There is no interest at any time on hides (or armour), crops, wine, gambling debts, the price of commodities sold, the bride price of women and debts incurred as surety.

(The rate of interest)

509 Money lent at interest may always be recovered by the creditor up to double (of what was lent). If he cannot recover double (of what was lent) he should again add further interest.

503 Compare Nar p 68 v 108. 31 Rom 354 at p 361 refers to this verse and it is said (at p 364) that it was an incident annexed to every contract of debt by the Hindu Law that interest though not stipulated for should run on it in the event of non payment after demand from the date of such demand. Neither the Interest Act XXVII of 1839 nor the Contract Act affects that rule of Hindu Law.

506 Purchase and sale -if a chattel is purchased and the purchase money is not paid even though demanded, this verse applies and the interest runs from the date of demand.

507 The Vir explains that this applies where there is no demand made for the money.

508 There can be no interest in these cases unless it is expressly stipulated for. As to prices of commodities there is no interest only when the purchaser does not leave the country and there is no demand. In the case of a deposit also there is no interest as long as it is kept intact and is not demanded back. Compare Nar p 33 v 36.

517 If (a debtor) were to pledge the same thing to two persons what would be the proper beginning or course of conduct (as to recovery of the debts) ? (The answer is) the prior one of the two (transactions of pledge) should be accepted (as enforceable) and the person who made the two pledges would be liable to the fine imposed on a thief

518 When a mortgage sale and gift are made by means of a document and by means of witnesses, the transaction effected by a document would be superior, being opposed to only one mode of proof (viz oral evidence)

519 When there are two writings about the same transaction one not specifying the thing and the other specifying the thing, Kātyayana declared that the transaction in writing which gives particulars (of the thing pledged &c) is superior (to the other)

520 That would be *anirdṛṣṭa* (not specified or ascertained) where a man pledges a thing which did not at first (1 c

517 Vide Yaj II 23 for the proposition that in pledges, gifts and sales the prior transaction is preferred to a later one. Compare Vi v 181 182 (which prescribe drastic punishments for such mortgages of land) and Br p 325 v 34

518 This verse applies to a simple pledge or mortgage (*gopyādhi*) where there is no enjoyment. In such cases the transaction which is effected by writing is superior to one effected in the presence of witnesses only. But if a transaction be effected before witnesses and is accompanied with possession then there being two modes of proof in its favour (oral evidence and possession) that transaction would be superior to one effected by writing but without possession. Vide Vi V 184. Compare sec 48 of the Indian Registration Act which confers priority on registered documents against oral agreements unless the latter are accompanied or followed by delivery of possession. Verses 517-518 show that hypothecation without delivery of possession was known to Kāt

519 This applies where there are two documents of pledge or other transaction concerning the same thing. The next verse explains what is meant by *vidyā* and *anirdṛṣṭa*.

520 We have to take 'yo vidyamānam as equal to 'yah, *avidyamānam*. 'assembled the sky - this means that it was vague or intangi

514 But when there are several debts, whatever is incurred first should be paid first, but a debt owed to a king (or katriya) should be paid after one owed to a brāhmana

515 Where a creditor establishes that a particular article was manufactured (by the debtor) with the money (or materials) of the particular creditor, the debtor should give that money (recovered by sale of the article) to that creditor alone and not otherwise

(*Pledge*)

516 That is said to be *bhogyadhā* (a pledge to be enjoyed) if (a debtor) having taken a loan, gives (to the creditor) something whether moveable or immovable, which is capable of being enjoyed, for the purpose of meeting the interest (The debtor) after repaying the principal in addition (to the income enjoyed by the creditor) would get back his field and the like (that was hypothecated)

514 Compare Yāj II 41 The general rule is that as regards debts the first in time prevails over the rest But exceptions were recognised on the ground of the caste of the creditor Vide Sec 48 of the Transfer of Property Act and sec. 56 of Bombay Land Revenue Code (which makes state revenue a paramount charge)

515. This states an exception to the rule that among several debts the earlier in time prevails over later ones

516 Nār (p 73 vv 124-125) divides a pledge into two, viz, one that must be redeemed within a certain time (*kṛtsakalopaneya*) and the other which is to be retained till discharge of debt and again divides a pledge into two varieties *gopya* (to be retained only) and *bhogyā* (to be enjoyed) Br (p 422 v 17) also divides a pledge into moveable or immovable, *gopya* or *bhogyā*. The Saras (p 233) notes texts of Vyāsa and Bhāradvāja and says that a *bhogyadhā* is of two kinds *sapratyagabhogyadhā* (where the stipulation is that the profit from the thing pledged is to be applied towards payment of interest and reduction of the principal) and *apratyagabhogyadhā* (i e where the stipulation is that the income is to be taken in lieu of interest only ; Verse 516 speaks of *sapratyagabhogyadhā* Vide Mit. on Yāj II 64 for the same distinction between two varieties of *bhogyā* " " " the technical terms are not used

525 (The creditor or pledgee) who would make the pledge work unwillingly and without the consent (of the pledgor) should be made to pay the (price of the) fruits of labour (to the pledgor) or he would not get his interest

526 He (the pledgee) who harasses and rebukes the pledge while working (for him) with words punishment or movements, would have to undergo the first amercement

527 Where (the pledgee) forcibly and against the will of the pledgor adds to the pledge what is not pledged, he (the pledgee) would be liable to the first amercement and the pledgor would get back his pledge.

528 When a creditor enjoys a pledge from his debtor under a vitiated document there the king should make (the creditor) pay a fine and should destroy the deed of pledge

529 Where the pledgor does not exist (i e is dead or unheard of) the creditor should proclaim the pledge (to the king) Then the pledge being proclaimed to the king should be sold by him this is the fixed rule The creditor after receiving his money together with interest should hand over the rest (of the proceeds of sale) to the king

525 This refers to female slaves pledged. Compare Manu VIII 144 and 150 Kaut (tr p 227 text p 170 अविच्छेदनेन मूषायाः साक्षी न च दयात्) Yā II 59

526 This suggests that when the slave refused to work the pledgee would not be liable to fine if he rebuked the slave pledged

527 The Saras explains that this verse applies to *gopyādā*

529 The Par M Saras and Vir explain that this verse applies where the debtor leaves no relatives If there are relatives it is proper that they should get the balance of the sale proceeds Compare Br p 325 vv 29-30 Vide sec 176 of the Indian Contract Act.

at the time of the pledge) exist and the exact description of which could not (therefore) be specified and which (hence) resembled the sky. That should be indicated as *nirvāṇa* (specified in detail) which exists at the time (of the pledge &c) as (exclusively) his (of the pledgor's &c).

521 Where a person having first declared (pledge) of all his property afterwards effects a pledge by specifically naming (the thing pledged) how cannot the transaction marked (by specifying the name) be more powerful (than the one which is effected in general terms) ?

522 When the field or house is marked out by boundaries and the village and other (details) are written (in the document of pledge), then it becomes perfect (or valid).

523 If any thing that is pledged is destroyed through the power of fate or the king, in such a case the debtor should be made to pay to the creditor the debt together with the interest.

524 (If the thing pledged) were to fall (i.e. deteriorate) or were to be destroyed without any fault of the creditor (the pledgee) the debtor should be made to give another thing (of equal value) as a pledge and he could not be free from the debt.

able like the sky not being in existence at the time of the pledge or who and not being described as to its details. What is in existence at the time of pledge and its nature can be specified is *nirvāṇa*. Compare sections 79-82 of the Indian Contract Act as to contract for the sale of goods that are not ascertained at the time of the contract.

521 This applies to a case where though the thing exists at the time of both transactions the first is a general pledge of all that belongs to a man and the second is that of a specific thing.

522 It is better to read *ag* for *gṛa* with the *सर्वस्वविषय*. Compare sections 21 and 92 of the Indian Registration Act.

523 'Power of fate' such as fire flood &c. 'power of king' where the king or his officers forcibly seize the thing pledged without any fault of the pledgee. Vide Yāj II 39 Br p 223 v 21 and Gautama XII 39 for similar propositions. Compare see 152 of the Indian Contract Act.

524 *Upastatā* would also mean 'were to be lost' and *mrityā* would mean 'were to die' (with reference to cattle or other animals that were pledged). Compare Yāj II 60.

525 (The creditor or pledgee) who would make the pledge work unwillingly and without the consent (of the pledgor) should be made to pay the (price of the) fruits of labour (to the pledgor) or he would not get his interest

526 He (the pledgee) who harasses and rebukes the pledge while working (for him) with words, punishment or movements, would have to undergo the first amercement

527 Where (the pledgee) forcibly and against the will of the pledgor adds to the pledge what is not pledged, he (the pledgee) would be liable to the first amercement and the pledgor would get back his pledge

528 When a creditor enjoys a pledge from his debtor under a vitiated document, there the king should make (the creditor) pay a fine and should destroy the deed of pledge

529 Where the pledgor does not exist (i.e. is dead or unheard of), the creditor should proclaim the pledge (to the king) Then the pledge being proclaimed to the king should be sold by him, this is the fixed rule The creditor after receiving his money together with interest should hand over the rest (of the proceeds of sale) to the king

525 This refers to female slaves pledged. Compare *Manu* VIII 144 and 150, *Hant.* (tr. p. 227, text p. 179 अनिहतिवशेषात् पुरवृत्तं मांसाय दत्तं च दद्यात्), *Yaj.* II 59.

526 This suggests that when the slave refused to work the pledgee would not be liable to fine, if he rebuked the slave pledged.

527 The *Saras* explains that this verse applies to *pyyadda*.

529 The *Par. M. Saras* and *Vir* explain that this verse applies where the debtor leaves no relatives. If there are relatives it is proper that they should get the balance of the sale proceeds. Compare *H.* p. 325 vv. 29-30. Vide sec. 176 of the Indian Contract Act.

(Rules about sureties)

530 One should cause a surety to be given for repayment (of debt) for appearance, in litigation, for honesty, for (taking) oaths. In this way in other cases (surety should be given) according to circumstances

531 If the surety for the appearance (of a person) cannot produce him at the time and place (agreed upon), he should in that case pay the debt due to the creditor (lit what he has bound himself) except where (the debtor is prevented from appearing) by act of God or the king

532 Three fortnights at the most should be allowed for finding out the absconding (person -debtor), if he (the surety) can produce him (in that time) the surety would be free (from liability)

533 When the time (given for producing the absconding person) has expired if the surety cannot produce the

530 : Suretyship was known from ancient times *Prâglol* (II 3 39) knew it and *Gautama* (XII 39) speaks of *prastibhûga* [suretyship debt] *Manu* (8 160) speaks of surety for appearance and for repayment of debt. *Nar p* 70 v 118 speaks of three kinds of sureties *YS* (II 53) speaks of three kinds of sureties, viz for appearance honesty and repayment (the same verse in *Viçnu* VI 41) and in II 19 refers to a fourth kind viz surety in litigation (i e one who will carry out the decretal order passed against a party) When oaths or ordeals were to be undergone at a distant date surety was taken from the party. *Br* (p 327 vs 33 40) speaks of four (*dars* and *pratyaga dâra* and *vandragarpana*) The distinction between the last two is that the *dandaprahâra* undertakes to repay the debt with interest from his own pocket while the last undertakes to make available to the creditor the property (he so furniture etc) of the debtor. *Hirita* speaks of five the fifth being surety for keeping the peace (*abhyaya*) . The *Sm O* explains that the surety in case of a *gopyâdhi* was called *adhipâlâ* and in case of *bhogyâdhi* was called *bhânjâpaka* and that both were included herein

532. Vide *Br* p 32 v 43 who says that in accordance with the distance of the country (where the debtor is supposed to be in hiding) a fortnight a month or a month and half should be given. *KS* mentions only the maximum period that should be allowed

person, he (the surety) should be made to pay what is due (from the debtor) and the same rule is laid down in case of the death (of the debtor)

534. Where a person becomes a surety for the appearance of a man after receiving a pledge from him, the son of the surety should be made to pay the money from that pledge in the absence of the father (: e in case of his death or his having gone abroad)

535. When a man stands surety for the appearance of another he should pay from his own wealth the debt to the creditor, if he does not produce the debtor (at the proper time and place)

536. The first two (viz surety for appearance and honesty) should be made to pay the money that may be declared to be due at the time (when the debtor should have paid) in case of failure (in appearance or honesty on the part of the debtor) but the latter two and in their absence their sons also (are

534. The Mit on YS II 31 explains that this applies to the surety for honesty also. In *Narayan v Venkatasacharya* 5 Bom. L. R. 434 it is said that under the Mit a grandson is not bound to pay the suretyship debt of his grandfather unless the latter received some consideration for it. In *I. L. R. 10 Patna p. 91* it was held that if the father stood surety for honesty the son was not bound to pay that debt. Vide also 4 Pat. L. J. 300

535. This is Manu V III 159

536. This is the same as Br p 327 v 41. This verse obviously refers to the four kinds of sureties mentioned by Dharma-pati. Vide note on 530. The latter two — mean the surety for dāna (repayment of debt) and for *pradāvyākṛpa* (delivery of the goods of the debtor to the creditor). The son of the surety for appearance and honesty is not liable to pay his father's suretyship debt, but the sons of the other two kinds of sureties are liable to pay (but not the grandson). In *Takurambhod v Gangaram* 11 L. R. 23 Bom. 434 at p. 439 the texts of 11, Br and Kāś are examined and it is held that ancestral property in the hands of sons is liable for the suretyship debts of the father when the father was a surety for payment of money or for delivery of goods vide *I. L. R. 23 Mad. 377* (suretyship debts of father for payment held binding on ancestral property in the hands of sons but not where he was surety for keeping the peace) 39 Cal. 843

liable to pay) if the debtor fails in his promise

537 When (several sureties) have incurred joint and several liability the son should pay the whole debt if the father has gone abroad, but if the father be dead, then the son need pay only the share for which his father would have been liable and not the debt claimable from others (the co sureties). This is what Brhaspati says

538 Whoever out of several (sureties) that have incurred joint and several liability is found present at the place (of the agreement) should be made to pay (the whole debt), if (a surety) be gone abroad, then his son should be made to pay the whole, but if (a surety) be dead, then the son should be made to pay only the share of his father

539 If one who having stood surety gives back the debt as a surety being harassed (by the creditor) he is an

(where it was held that suretyship debt of the dīna type must be paid by son though no actual loan had been advanced to the principal) 26 All 611 Vide notes on vv 555 556 and 561

537 Vā. II 55 says that if there are several sureties they should pay the creditor according to their shares. But if the liability is joint and several, then the creditor may proceed at his will against any one for the whole. Vide Nār p 71 v 120. This verse says that when there is joint and several liability the son of a surety who has gone abroad may have to pay the whole debt if the creditor demands it from him but if the father be dead then the son has to pay what would fall to his father's share (if the debt were distributed among all the sureties) *Ekacchāyā* *kr̥tis* is a technical expression and is explained by the Mit as *ekanye adhamargasya chāpya sādṛśyam tām* *Varitah* i e those who agree to hold the same position as the principal debtor (who has to pay the whole debt if demanded) The Mit and Sm. C. say that when the son pays the whole debt due from his deceased father as surety he need not pay interest while the Vir holds the opposite view

538 The Vir notes that Kāt as read by Sm C was what is verse

537 This verse is practically the same as 537 and the two are probably two versions of the same verse of Kāt

539 Vide Bṛ p 323 v 44 for the same verse. This applies only if the surety pays under pressure from the creditor. If he pays out of greed for demanding double of what he has to pay he would not be entitled to double nor would he be entitled to double if the original debtor compensates

entitled to receive (from the original debtor) twice the amount (paid to the creditor) after the lapse of three fortnights

540 Whatever is rightly paid for another person by one (the surety) to whom a demand is addressed (by the creditor) and (whose liability) is proved by witnesses, the surety is entitled to get that (from the original debtor)

541 When there is a failure (to perform a contract) even though an earnest had been given by one party, then (the king) should make the other party (who is in default) pay double (of earnest) The purpose of taking an earnest is to make the party suffer the loss of it when he does not abide (by his agreement)

(Who should pay the debt contracted by the father and others ?)

542-543 A debt incurred by (the head of the family) when unable to maintain the family or when suffering from a disease and for the purpose of (meeting) a calamity, which (debt) is known as ' āpatkṛta (incurred in distress), debt incurred for (expenses) of a daughter's marriage and what is incurred

the surety within three fortnights Vide YJ, II 56 and Nār p 71 v 121 both of whom do not expressly impose the condition of the lapse of three fortnights Compare sec 143 of the Indian Contract Act

544 This verse is rather obscure Pāṇini (VI 3 70 Kāra satyāka dasya) notices the word satyāmkāra which is explained by the commentators as śapathakaraṇam YJ, (II 61) has the half verse Satyāmkāra kṛtāḥ dravyāḥ dvigupāḥ prat pādīyēt which is explained in two ways by the Mīṭ One meaning is that if one mortgages or pledges with the express stipulation that when the principal rises to double he would pay double the money but would not lose the property mortgaged or pledged then the creditor is only entitled to double the principal, but not to the property Another meaning is that when A gives some article such as a ring to B by way of earnest in a contract of sale &c (here satyāmkāra means a thing or money given by way of earnest) if the contract goes off through the default of A who gives the earnest, he loses the earnest but if the contract goes off through the default of B to whom the earnest is given the defaulter has to pay double the earnest or double the price thereof

545-546 Manus VIII 166 and YJ II 43 restrict the liability of the family to debts incurred for the purpose of the family Compare Wipra YJ, 34 Nār p. 45 v 13.

for (meeting) funeral expenses—all these debts incurred by the head of the family must be paid by the family

544 That the father need not pay the debt incurred by the son is the rule of law, but (the father) must pay that debt (of his son) which he promised (to pay) or which was (incurred by the son) with his consent

545 A debt incurred for the (purposes of the) family by the slaves, the wife, the mother, the pupil or the son (of the head of the family) even without his consent when he is gone abroad should be paid (by the head of the family) This is (the view of) Bhṛgu.

546 A woman should pay a debt incurred by her along with her husband or son or incurred by herself alone, but need not pay debts incurred by them otherwise.

547 A wife who was addressed by her husband when about to die 'you should pay my debts' should be made to pay even though she does not accept (or consent to the direction) if she has wealth in her possession

544 Here as the Sm. C says the words 'putra' and 'pitṛ' stand for any member of the family and for head or manager of the family' (father grand father eldest brother uncle &c.) The debt referred to in this verse is one not incurred for the purposes of the family, but is an individual debt and dharmatah implies that the father may through affection pay his son a individual debt but is not bound to do so

545 Compare Manu 8 166 YSj II 45 Nār p 43 v 12 and Br p 329 v 10 This verse is quoted in *Vinayam v Appayam* 1 Mad H C R p 345 349 n (when a husband married a second wife and the first wife left him, it was held that the first wife had no implied authority to borrow money for her support)

546 Compare Nār p 45 v 16 Sm C explains that if she has not joined them in debt she need not pay even on their death. Compare YSj II 46 and 49 In *Narasim v Nandam* 1 L. R 6 Bom 473 it was held that a married woman who contracted a debt jointly with her husband was liable to the extent of her *stridhana* only and not personally. Vide I L R 1 Bom. 121 124 where this verse is cited. The Mit on YSj II 49 says that the purpose of the last clause is to indicate that a woman need not pay a debt incurred by her husband for liquor or in gambling even if she joins with him in incurring it or accepts liability for it

548. A debt incurred by the father, if he is afflicted with disease or has gone abroad, shall be paid by the sons after the twentieth year, even when the father is living

549 (The king) should make the sons pay such debts (of their fathers) even though they be living, if they are afflicted with disease, are mad or old or have gone on a long journey.

550. Sons must pay the debt of their father when it is proved (by evidence) even when the father is near (or living), if the father is blind from birth, a *paṭita* (guilty of grave sins), mad or suffering from tuberculosis, leprosy (and other incurable diseases)

551. Since fathers are released from wretched indebtedness by sons when born on account of the latter's paying off (the debt), therefore fathers desire (to have) sons

552 (A son need) never pay (the debt of his father) when the father is dead, if he (the son) has not attained

548 The Sm C explains that the son had to pay his father's debt when twenty years elapsed after his going abroad. Compare *Viṣṇu* VI 27 and *Nār* p 46 v 14. Vide I. L. R 41 Mad 136 at p 149 and I. L. R 43 Mad 711 (F B) at p 730 where this verse of *Kat* is referred to. *Viṣṇu* makes it clear that the son had to pay his father's debt when the latter became a *sonagasta*.

549 According to the V R, p 61, v 549 is an exception to v 548. It says that if the father's disease be incurable or if it is certain that the father would not return from his journey then the son was not to be allowed to wait twenty years, but was bound to pay at once.

551 Compare *Nār* p 42 v 5. Vide verse 591 below for the result of non payment of debt. It is therefore that debt is said in this verse to be 'adhama' (that is, what reduces a man to a low state). When born—it is not meant that a son the moment he is born is called upon to pay off his father's debt, that liability is incurred by him only when he has reached the age of discretion. Even the *Taittiriya Saṁhita* (III 3 8 1-2) refers to 'kuṣṭham-apratītam' (beck unpaid) and expresses an intent to pay to the father from it.

552 A person was a minor till the age of 16, vide *Nār* p 51 v, 35 and *Kaṭilya* (text p 154 and tr p 198) 'women when twelve

years of discretion. But when the proper time (to pay the debt) comes he must pay according to the law otherwise the forefathers may remain in hell

553 If (a son) has not reached (years of) discretion he, though independent is not liable for the debt (of the father) (Real) independence is understood to belong to one who is senior and seniority is due to the (attainment of) certain qualities and age

554 That debt of the grand father which is seen (or ascertained) to be due or a part of which remains to be paid must be paid (by the grandson) but a debt which is tainted or which was repudiated by the father need never be paid (by the son &c)

555 That debt which descended hereditarily from the grandfather which was ascertained by the father (i.e. the son of the grandfather) as due, which is free from taint and which was not repaid by the sons (of the grandfather) should be paid by the grandsons. (This is the view of) Bhrgu

556 When the debt of the grandfather is not repaid by his sons because they were afflicted with disease such a debt of the grandfather should be paid by the grandson, but only the principal (should be paid)

years old attain majority and men when sixteen (द्वादशवर्षा वीर्यवर्धनस्य सपत्न्ये पौत्रस्य पुत्रः).

553 Independent because of the death of the father This is the same as Nār p 50 v 31

554 Tainted a debt tainted when it is incurred for liquor lust, gambling when it is a fine or a toll &c Vide Gautama \II 38, Manu VIII 150 Var 18 31 Kaṭ p 189 Yaṅ II 47 and Mit. thereon for an enumeration of debts declared to be so tainted that the son need not pay them

556 Such a debt means a debt not tainted as laid down in the texts cited in the note to v 554 Vide notes on 560-561 Compare Br p 328, v 49

557 { The king } should make the son pay { the debt of his father } if he { the son } be free from diseases capable of taking the estate { of his father } and is able to shoulder the debt but { he } should not make the son pay otherwise

558 What is owed by the father must always be paid to the creditor in his absence by the sons or grandsons from his property

559 While the father's debt remains { unpaid } the son shall not take the wealth { of the father } that wealth should be made over to the creditor when { the father } is dead and the son takes the wealth { without paying the debt } he should be made to pay { by the king }

560 In the absence { i.e. death } of the son the grand son should sedulously pay the debt, the fourth { in descent } should not pay { the debt of the ancestor } it { the liability to pay the debt of the ancestor } ceases in his case

557 Capable of taking is not liable to be excluded from inheritance for causes mentioned in Manu IX. 201 and Yāj. II. 140 able to shoulder —of age and able to pay back the debt

558 ' In his absence —on his death &c

560 Compare Nar p 43 v 4 Dr Jolly has a long note on this passage and on p 44 he makes this remark The doctrine viz that the liability to pay debts contracted by an ancestor extends to the great grandson is opposed to the teaching of such an eminent authority as Viṣṇuśaṣṭrī, who maintains in the Mātṛkās that the great grandson is not liable for debts contracted by his great-grand father and conversely that he does not inherit his property He makes similar remarks in his Tagore Law Lectures (on Partition &c 1885) p 171 but in the law of debt also the liability to pay debts contracted by an ancestor stops with the grandson There is every reason to suppose that in the law of inheritance also, the exclusion of the great grandson from the narrower community of heirs by Viṣṇuśaṣṭrī and Viṣṇuśaṣṭrī is intentional and not accidental The learned author has here fallen into a double error The Mit has nowhere said that the great-grandson is excluded from inheritance The Smṛti texts on the payment of debts by descendants present an apparent conflict for example vv 556 and 558 (as also Yāj II

50) make no distinction between sons and grandsons as to liability but v 556 and Br p 328 v 49 say that the son must pay the debt with interest, while the grandson need pay only the principal. The first canon of interpretation is that a conflict between texts is to be avoided and they are to be construed as one coherent whole (this is called the *ekavakya-bhāṣya*, vide Jaimini II 1). This can be accomplished by assigning to each text its appropriate sphere (i.e. by following the principle of *visaya-vyavastha*). Therefore an examination of the several texts and the propositions deducible therefrom must be undertaken here. The first proposition is that the debt of a man must be paid by his three descendants (son grandson and great-grandson) if they have ancestral estate in their hands. This follows from the rule of Yaj II 51 that whoever takes the *valika* (ancestral estate) has to pay the debt and from the verses of Kātyāyana (855-856) that three descendants of a man form a coparcenary. The Mit. on Yaj II 51 distinctly says that 'the great grandson and the like of him who is without son or grandson should be made to pay the debt if they take the *valika* (ancestral estate) but not otherwise' (पुत्रहीनस्य लिखितं स्वतन्त्रं पुत्रपौत्रहानस्य त्रयोत्र त्वेदं विस्वगृह्णति तदा ऋणदत्त्वा नान्यथैवेत्ययम् ॥ मिता). Dr Jolly somehow failed to notice this remark in the Mit. and made the wrong assertion quoted above. This proposition is followed by modern decisions in British India. Vide 19 All 26 (P B) and 4 Patna 478 where grandson taking assets was held liable to pay grandfather's debt with interest while 53 I A p 204=49 All 518 (P O) which is the latest case on the point decides that the great-grandson (who has taken assets) is liable to pay the debt of the great-grandfather with interest just as a son is liable. This rule is embodied in vv 555-558. But if sons and other descendants took no ancestral estate it was felt even in ancient India that it was a great hardship that all three descendants should be made to pay the debt of the ancestor with interest. Therefore the second proposition that was enunciated by ancient and medieval Hindu lawyers was that even when no ancestral assets were taken the son should pay his father's debt with interest, the grandson should pay his grandfather's debt but without interest and the great-grandson was not liable to pay even the principal. This proposition is embodied in Br (p 3-8 v 49) and in Kāt v 556. The Mit. on Yaj II 50 quotes the verse of Br and remarks अथ न पुत्रपौत्रैक्यं त्वेयमित्यदिशुषेणाद स्यादपि पुत्रस्य दत्ता मिता मृद्विति ददाति तयोर् ऋण दत्तः । पौत्रेण तु नूनं मृतमेव दातव्यं न दृष्टिर्वि विरोधेनान्न । ऋणमासीत् दत्तं तद्वृत्तस्य त्विति वृत्तस्यति

वचनात् । हस्ततपः प्रवेष्टव्यापदहितवशम् । Dr Jolly probably relies on this passage of the *Mit* but he failed to grasp the implication of the word 'aghrītsidhanasya' (if he has not taken ancestral wealth). In *Narasimharao v. Krishnaswami* 2 Bom HCR p 64 it was held (probably following *Brhaspati* p 328 v 49) that the grandson was liable to pay the debt of his grandfather without interest independently of assets. In order to remove the great hardship on heirs (taking no ancestral estate) caused by this decision Bombay Act VII of 1866 (the Hindu Heirs Relief Act) was passed whereby it is provided that a son or grandson is not liable to be sued for the debts of his deceased ancestor merely by reason of the being such son or grandson and that the son or grandson or other heir of the deceased shall be liable only to the extent of the assets that come to his hands. Judicial decisions have laid down that the same is the law in other parts of British India. In I L R 19 AB p 26 at p 29 both verses of *Kat* about the grandson's liability (to pay with interest and also without interest) are referred to and in I L R 4 Patna 478 at p 482 the judges express their inability to understand what *Brhaspati* meant when he declared that the grandson should pay grandfather's debt without interest and follow *Yaj* and *Visnu* and refuse to follow *Brhaspati*. The *Vivamitrodaya* (p 34) very tersely but clearly puts forward the two propositions 'पुत्रश्च रिक्त्वग्रहणं प्रत्यक्षं सपुत्रिकमेव दत्तम् । पुत्राभावे रिक्तेन रिक्त्वग्रहणं शीघ्रं देवम् । अग्रहणं मूलमव । अपौरुषं तु रिक्त्वग्रहणं मूलमपि न दत्तम् । A third proposition (which is an exception to the first two) is that even a son is not liable to pay the debts of his father incurred for liquor gambling or arising from lust, suretyship or a fine or toll or a promise made without consideration or whatever debt is not 'vyavahārika' (vide *Gant* XII 38, *Manu* VIII 153, *Yaj* XVI 31 *Kat* p 189 and *Usanas* as quoted in *Mit* on *Yaj* II 47). Other writers restricted the non liability of the son for suretyship debts to cases where the father stood surety for appearance or honesty. Vide notes on vv 536 and 534 above. In *Dr. Narain Lal v. Manohar Prasad* I A R 51 I A 129 (= 46 All 95) the Privy Council laid down five propositions as to the liability for debts contracted by managers and fathers of joint Hindu families viz (1) The manager of joint undivided estate cannot alienate or burden it except for purposes of necessity (2) If the manager be the father and the other members be his sons he may, so long as it is not for an immoral purpose pay the estate open to be taken in execution upon a decree

50) make no distinction between sons and grandsons as to liability, but v 356 and Br p 328 v 49 say that the son must pay the debt with interest, while the grandson need pay only the principal. The first canon of interpretation is that a conflict between texts is to be avoided and they are to be construed as one coherent whole (this is called the 'ekavākyatānyaya' vide Jaimini II 1). This can be accomplished by assigning to each text its appropriate sphere (i.e. by following the principle of *śāstra-vyavasthā*). Therefore an examination of the several texts and the propositions deducible therefrom must be undertaken here. The first proposition is that the debt of a man must be paid by his three descendants (son, grandson and great-grandson) if they have ancestral estate in their hands. This follows from the rule of Yāj II 51 that whoever takes the *śulka* (ancestral estate) has to pay the debt and from the verses of Kātyayana (555-556) that three descendants of a man form a *coparceners*. The Mit. on Yāj II 51 distinctly says that the great-grandson and the like of him who is without son or grandson should be made to pay the debt if they take the *śulka* (ancestral estate) but not otherwise' (पुत्रहानस्तद्विधेयं स्वतदपि पुत्रपौत्रहानस्तत्प्रपौत्रादपि यदि तिष्ठति शृण्वन्ति तदा कथं दाया नान्यथेनेत्यमम् ॥ मिता) Dr Jolly somehow failed to notice this remark in the Mit. and made the wrong assertion quoted above. This proposition is followed by modern decisions in British India. Vide. 19 All. 26 (F B) and 4 Patna 478 where grandson taking assets was held liable to pay grandfather's debt with interest while 53 I A p 204= 43 All 218 (P Q) which is the latest case on the point decides that the great-grandson (who has taken assets) is liable to pay the debt of the great-grandfather with interest just as a son is liable. This rule is embodied in vr 555, 558. But if sons and other descendants took no ancestral estate, it was felt even in ancient India that it was a great hardship that all three descendants should be made to pay the debt of the ancestor with interest. Therefore the second proposition that was enunciated by ancient and medieval Hindu lawyers was that even when no ancestral assets were taken the son should pay his father's debt with interest, the grandson should pay his grandfather's debt but without interest and the great-grandson was not liable to pay even the principal. This proposition is embodied in Br (p 328 v 49) and in Kat. v 556. The Mit. on Yāj II 50 quotes the verse of Br and remarks अथ च पुत्रपौत्रकथं ददमित्यनिश्चेपयाकं त्वयापि पुत्रेण स्यात् पिता मृद्विदं ददाति वपैव कथं ददम् । वेवेण तु मम भ्रातरेव दातव्यं न मृद्विति विरोधावबन्धनम् । अणमात्मनो मय्येव तद्वृत्तस्य त्वितरे बुद्धयानि-

561. The debt (of the grandfather) arising from suretyship need never be paid by the grandson, even the son

for the payment of his personal debt; (3) if the father purports to burden the estate by a mortgage, it would not bind the estate unless it is made for discharging an antecedent debt, (4) 'antecedent' means 'antecedent in fact as well as in time' i. e. it must be truly independent of and not part of the transaction impeached by the son, (5) this result is not affected by the question whether the father is alive or dead. It will be observed that the Privy Council makes (in propositions 2 and 3) a distinction between a pure money debt of the father and a debt of the father secured by a mortgage. The ancient Hindu Law books afford no warrant for this distinction. Further the Privy Council in *Saraj Bunn Keco v Shoo Prasad* 6 I A 83 at p 106 (= I L R 5 Cal 148, 171) for the first time used the words 'antecedent debt' when saying that the whole ancestral estate including the son's interest would be liable 'where the conveyance was executed by the father in consideration of an antecedent debt or in order to raise money to pay off an antecedent debt'. Those words for which there is nothing corresponding in the ancient texts became the subject of elaborate arguments and decisions throughout India as if they were the data of the ancient codes themselves. According to the Privy Council (vide proposition 5) the son's liability to pay his father's debts is as absolute during the father's lifetime as after his death. This goes far beyond the spirit of ancient Hindu Law which made the son liable after the father's death or during his life only if he had gone abroad for many years or was afflicted with incurable disease or was extremely old (vide vv 548-550).

If verse 560 means the same thing as Nar p 42 v 4 and B p 328 v 49, then the meaning is that the great-grandson need not pay even the principal, if he has taken no ancestral estate. Here if the father be A, the son B, the grandson C, and the great-grandson D, then A, B, and C are the three persons liable for A's debts (though C is liable only for the principal if he has taken no estate) and the fourth D (counting from A, the first person liable) is not liable. It is in this way that Kat vv 555, 574 on the one hand and 556 and 560 on the other are to be taken as referring to different sets of circumstances (viz, taking the ancestral estate in the first two and not taking it in the last two).

need pay only the principal (of the suretyship) debt of his father,

562 The debt must be paid by him who takes the estate, if there be none such, then by him who takes the wife, in the absence of such a person (taking the wife) by the sons and then by others in order (of heirship) who take the estate

563 As long as the son does not get his father's wealth when it exists, so long he though well-off, should not be made to pay as a debtor (the debt of his father)

562-563 Compare Gautama XII, 37, Yaj II 51, Nar p 48 v 23 and Br p 329 v 52 Vide verse 577 below. Vide my notes to V M pp 340-345 for detailed explanation of Yaj II 51 which is practically the same as this verse This verse settles the order of persons liable to pay the debts of a deceased person First comes he who takes his wealth (this may include a son or grandson or great grandson who takes the estate) If the deceased left no estate then he who took his widow had to pay the debt of the deceased This does not mean that widow remarriage was approved of by the sages Manu (V 163) rather condemns it. But remarriages took place by custom and sometimes a widow may be kept by a man as a mistress In such a case the second husband or lover was liable to pay the debts of the first husband That this was apprehended to be the law even in modern times is clear from the fact that section 4 of the Hindu Heirs Relief Act (Bombay Act VII of 1886) expressly provides no person who has married a Hindu widow shall merely by reason of such marriage, be liable for any of the debts of any prior deceased husband of such widow If there were no estate and also no widow the son was liable to pay the debts (even though he took no estate) A man might disavow an estate and a son who was incompetent to inherit owing to some physical or mental defect In such a case a distant relative might take the estate (and not the son) and that relative would be liable to pay the debts (and not the disqualified son) Verse 563 makes it clear that even if a disqualified son has ample self-acquired property he would not be liable to pay his father's debts if the father died leaving an estate which never came to the son but was taken by somebody else

564 What was promised whether in writing or without writing must be paid, but (what was promised) to the wife of another should be known as a debt due to lust.

565 Where (the father) after having caused through anger (physical) injury to another or having destroyed the latter's wealth, promises something that pacifies him (the person wronged), that is declared to be a debt incurred through (the influence of) anger

566. If a gift was promised by a man for a religious purpose whether when in good health or when afflicted with disease, the son should be made to pay it, if the father (the promisor) dies without (actually) giving it over ; there is no doubt on this

567 (The debt contracted by) liquor-sellers and the like, who have no wealth and no issue, shall be paid by him who enjoys their wives

564 Yāj II 47 says that a son was not bound to pay the debt incurred for lust by the father. Kāt. here explains what is meant by ' kāmakṛta (incurred for lust)

565 Among the debts which the son was not liable to pay Bhaspati (Br p 328 v 51) included promises made under the influence of love or wrath. Kāt. here explains the latter

566 Read 'dāvatam for bhāvatam. Vide verse 642 also. The only cases where an incomplete gift not actually made but remaining only in promise was enforced by the courts in ancient India are those in vv 566 and 642. This verse contains the germs of the idea of a will since the mere declaration of the intention of a man to give for religious purposes is here made enforceable after his death. Aparārka p 782 says that the word 'son' is only illustrative and every heir taking the estate of the promisor would be liable to make good the promise to make a religious gift. In modern times a mere gift for dharma without specifying any particular object is declared to be void for uncertainty. Vide 6 Bom 24 14 Bom 482 17 Bom 351, 18 Bom 136 23 Bom. 725 735 (P C = 261 A 71). But this is opposed as pointed out in 30 Mad 34 to the spirit of ancient Hindu law. Vide Manu IV 227 for dharma meaning *vr* and *gr* gifts.

567 Mandlik translates (tr of Mayukha p 113) 'sine lica' as 'drunkard' but this is wrong, since it means 'one who distils or sells liquor or wine'

568 The debts contracted by the wives of liquor distillers, hunters washermen, herdsmen, and sailors shall be paid by their husbands (i.e. protectors) since they are incurred by them for the purposes of their husbands

569-570 The debts contracted by wives shall in no way involve (bind) the husbands, except when they are contracted in distress (of the family) For the manifold activities of human beings are (made) for the sake of the family But the wives of washermen, hunters, herdsmen distillers of liquors (are exempt from this rule) The income of the husbands (in the case of these women) depends on them (their wives) and the family also is maintained by them

571 If a woman possessed of considerable (stridhana) wealth repairs to another man against the wishes of her son the son should take away from her the (stridhana) wealth in the absence of daughters (i.e. if there are no daughters).

572 One should bring into the world (i.e. produce) progeny for the purpose of (paying off) debts and not merely for the sake of (sensual) pleasure Therefore the parents should not be made to pay (the debts of their progeny) when contracted for an improper purpose

568 The V R (p 50) reads *nāpita* (barber) for *navika* and ascribes the verse to *Bṛhaspati* (vide Br p 329 v 53) I read *rajaka* for ' *javika* Compare Yaj II 48 Nār p 47 v 12 and Vis u VI 37 V 1. and Vis explain that the verse is not restricted to women of these castes only but applies to women of all castes like oil pressers where the livelihood of the husband depends upon the labours of their wives. This verse is not meant to apply only to debts incurred by such women for purposes of the family but to all debts incurred by them

569-570 It is probable that these verses are not *Kaṭyayana's* but *Nārada's* Verse 570 contains the same principle that is embodied in v 568 These are the same as Nār p 47 vv 18-19

572 *Tantu* means *spatya* (progeny)

573 If a woman who has a son forsakes her son, though quite able (to bear the burden of the family), then depriving her of her stridhana wealth the son should pay off his father's debt (with it). (This is the view of) Manu

574 If a woman possessed of considerable wealth has a minor son and she repairs to another husband, then the person to whom she resorts should pay the debt (of her husband) This is declared to be the rule about a woman having a minor son

575 (The debts) of those who have gone on a distant journey who are without relatives, who are idiots or mad, who are afflicted (with incurable diseases) and who wear peculiar sect marks (like the Buddha ascetics) should be paid by those who have taken their wives and wealth, even when they (the former) are living

576 Where the son (of a man) is overwhelmed by calamities or where he is found to be a minor, then (the man's debt) should be paid by him who takes the wealth, in the absence of such a person, he who takes the wife (of the deceased debtor) should be made to pay the debt

573 If the woman forsakes her son and repairs to another (blinded by love) the son should deprive her of her stridhana and should pay off his father's debt Though quite able —The same result follows if the son be not able (i.e. if he be a minor etc.)

574. Compare Nâr p 47 v 21. If we read ardisram for 'bhar' isram as Sm C and Saras do then the meaning is if a woman having a minor son and much wealth resorts to another man as a protector (such as her brother or maternal uncle) then the latter should pay (i.e. make her pay) the debt of the husband

575. For linga vide v 349 above

576 This applies where, though the son is capable of succeeding he is a minor or is suffering from diseases then in such a case the man who keeps his father's wealth with him (such as an uncle) should pay the debt of his father This verse only says that such a son is not under a liability to pay and does not lay down the order in which persons are liable to pay debts

577 The taker of (a man's)² wealth shall first pay (his debts), after him the son (should be made to pay), when there is no son or when the son is extremely poor, the taker of the wife (shall pay the debt)

578 The husband should pay a debt contracted by his wife and the son should pay a debt contracted by his mother, if it is contracted for the sake of the husband (by the wife or the mother) when he (the husband or the son) goes abroad after telling her

579 (A father) must pay that debt contracted by his son which was approved of (after it was incurred) or which was not dissented from when it was incurred and when the father heard of it and which was incurred at the order (or pressure) of the father

(Discourses on the recovery of debts from the debtor by means of imprisonment and the like)

580 The debtor may be held in restraint (by the creditor) openly before an assembly of people according to the

577 Vide v 562 above. Compare Nâr p 48 v 23. There is an apparent conflict between this verse and v 562 (and Y&J II 47). But there is really no conflict. This verse applies to a particular case. First the taker of assets should pay a man's debts. If there are no assets then the son who is much more wealthy than the taker of the wife (of the deceased) should then pay the debt. If the son is not wealthy and no assets are left then the taker of the wife should pay when there are no assets nor taker of the wife then even an indigent son should pay.

578 It is better to read bhaktasyâthe for bhaktinârthe. The meaning is that when a wife or mother is compelled to incur a debt for the bare maintenance of herself because the husband or son went to a distant country the husband or son was liable to pay it. After telling her—the same result would follow if he went away without telling her where he was going. If we read avidhâya it would mean without providing for her maintenance.

579 Vide 564 above. Compare Nâr p 43 v 11.

580 Vide vv 580-586. There are five modes of recovering a debt viz dharma vyavahara chala acaria and bala. Vide notes on v 477. These five modes are mentioned by Manu I III 43 Nâr p 71 v 122 Visnu VI 18 Br p 329 v 54 Br (p 330 vv 55 58) defines four of these (except vyavahara). Even Apastamba (1 6, 19 1) refers to the mode of sitting at the door of the debtor (what is called 'dharma') or the acaria of Manu. Verse 477 refers to

custom of the country so long as he does not pay what he owes.

581 Where the man held restrained has an inclination for making water or voiding faeces he should be followed behind (by the creditor) or he should be allowed (to go alone for that purpose) in fetters.

582 He (the debtor) if a surety be furnished should be released every day at the time of taking meals and at night, while the surety remains in custody

583 584 That debtor who cannot secure a surety for appearance or who will not accept (the proposal to be let off on furnishing) surety (though one is available) should be confined in jail or should be placed in the presence of guards. A respectable man who is trustworthy and pure (in conduct) should not be confined in jail. He should be let off without a surety or after he is bound by an oath.

585 The creditor should recover (the debt) from his debtor when he is first shown to be so by imprisoning him or by putting pressure on him (by fasting at his door) by making him work for him by judicial proceedings and by moral persuasion.

deśakṛa (custom of the country) The Sm. C explains that this verse exempts *daśakṛa* and that the creditor may himself restrain the debtor (in one country) or employ a person for his restraint (according to the custom of another country) V R. says that this is an illustration of the 'vyavahāra' mode of recovering a debt.

581 The Sm. C says that fetters are to be put on a very bad debtor only. The V. M. reads *nibandham vā* and explains that he should be allowed to go on furnishing a surety for appearance.

582 The last quarter may also mean as Sm. C and Vir say the surety having undertaken to prevent him from absconding.

584 An *baddha* may mean without fetters (vide v. 581 above) or without guards (as the Sm. C and Vir explain).

585 *Pitāna* stands for *bandhana* or the mode of bail, *aparokṣa* for *acarita*. If we read *vibhaktam* it would mean a debt that is shown to have been incurred. Compare *Manu* VIII, 50, Yaj. II, 49 and *Bār* p. 72 v. 123.

586 In the same way (a creditor) may recover his money by a pretext or by ' ścarita ' (the customary mode of sitting at the door or fasting &c) He should make ksatriya, vaiśya and śudra debtors of the same caste as his own or of a lower caste (than his own) pay off (the debt) by working for him

587-588. (These are practically the same as 477-478)

589 Where a creditor harasses a debtor who claims investigation in a court he would lose his claim and would incur a fine equal (to the claim)

590 If (the creditor) were to make the debtor do for him dirty work which was not at first indicated (to the debtor when he was called upon to work) the creditor would have to undergo the first amercement and the debtor would be released from the debt

591 He who having taken a debt or the like does not pay it back to the creditor (or owner) is born in the (latter's) house as a slave or a servant (for wages) a wife or a beast

586 Vide v 480 for a similar verse Compare Manu VIII 177, Yaj II 43 and Br p. 330 v 59 who further provide that a debtor of a higher caste than the creditor should not be made to work for the creditor but should be made to pay by instalments according to his ability

587-588 Verse 477 read राजा तु स्वामिनं and here the reading is ' राजान स्वामिनं विप्र ' which would mean ' he (the king) should make a ksatriya or a brahmana debtor pay to the creditor &c.

589 Harasses —this refers to ' bala ' and the other coercive measure, (except *vyavahara*) to which a creditor was allowed to resort if the whole claim of the creditor was admitted ' Nyāya-vadi ' literally means ' one who says that he would pay what would be found by the judge to be justly due ' Where there was a dispute about the amount of the debt due the creditor's only remedy was a law suit Compare Br p 331 vv 63 65

590 Compare vv 479 and 585 which lay down that a debt may be liquidated by doing work for the creditor

591 Debt and the like —The same holds good in the case of an article borrowed or a deposit Vide v 551 and compare Nār p 44 v 5

(Deposit)

592 An article that is sold (but is still in the hands of the vendor), what is deposited with a man when one is going on a distant journey, a pledge, bailment to one for delivery to another, a loan (of ornaments etc for temporary use), what is handed over to a man as a trader (for sale as an agent)— all these are declared to be *upanidhi*.

593 Whatever is deposited with a person should be preserved by him with efforts, the loss of the article arising otherwise than by Fate (act of God) or the king is proclaimed as due to him (to his neglect)

594 He, by whose fault anything (that is deposited with him) is destroyed or lost, should be made to pay the thing together with interest, except in the case of fate or king (act of God or king)

595 If the thing bailed is lost even by act of Fate or

592 The words *upanidhi nyasa* and *niksepa* are very singular in meaning but they were differentiated by writers on law. '*Niksepa*' is a deposit entrusted to a man in his presence after counting before him the coins &c, '*upanidhi*' is the deposit of articles enclosed in a sealed box or envelope (the articles not being counted in the presence of the depositor), a '*nyasa*' is a deposit not made in the presence of the depositor but handed over to persons in his house for being given into his custody. These three words, particularly '*nyasa*' and '*niksepa*' are often used as synonyms. Vide *Vir* p 361 (for all the three) and *Mit* on *Yaj* II 67 for *nyasa* and *niksepa*. *Yaj* II 65 defines *upanidhi* as defined by the *Mit*. *Nar* p 120 v 1 defines *niksepa* and p 121 v 5 defines '*upanidhi*'. *Br* p 332 vv 2-3 define *nyasa* (as including both *nyasa* and *niksepa*) and *upanidhi*. *Manu* V(II) 183 employs the terms *niksepa* and *upanidhi*. *Kaut* p 127 has a chapter on '*upanidhi*' and extends the rules about it to *niksepa*. *Kat* makes '*upanidhi*' a generic term for all bailment. For the definition of '*anvāhita*' or '*anvādhi*' vide v 611. Where A makes a deposit with B and B hands it over to C for being delivered to A this is *anvāhita*. *Kat*. means that all the rules about the preservation and return of these various kinds of bailments are the same. Vide *Yāj* II 67 *Nar*, p 123 v 14, *Br* p. 334 v 15.

594 Compare *Gautama* XII 39, *Nār* p 123 v 9, *Br* p 333 vv 10-11. '*Fault*' means negligence &c. Compare sections 151-152 of the Indian Contract Act (of 1872) for similar provisions as to the care required of the bailee.

595 Compare *Nār* p 121 v 7 which prescribes punishment for

king after it is demanded back, the bailee should be made to pay the price of it only (to the bailor), there is no doubt about this.

596-597 Whoever uses up (lit eats up) the property of another which was with him as a *nyāsa* (deposit) or the like, or who takes no care about it or who allows it to be destroyed through ignorance shall be made to return it (or its price). What he used up he should be made to return with interest, he should be made to pay the equivalent (only, without interest) of what he neglected, he should be made to pay a little less (than the price of) of what he allowed to be destroyed through ignorance

598 Where a thing deposited is destroyed even without the act of Fate or king together with the goods of the bailee, the loss is declared to be that of the depositor

599 Where the depositor, even after knowing the (probable) loss of an article, deposits it, there the bailee is not made to pay even if the deposit is lost for any cause whatever

600 Whatever is lost through the fault of the bailee, that loss falls on the bailee, when it is lost or stolen the bailee must offer (to the bailor) the price (of it)

601 The deposit (*upanidhi*) should be taken back (by the depositor) at the proper time, (the bailee) should avoid (returning it) at an improper time If he returns at an

not returning a deposit after demand . *Mānu VIII 191* and *Yaj II 66* do the same Compare section 161 of the Indian Contract Act

596-97 Compare *Yaj II 67*, *Nār p 122 v 8* and *Br p 333 v 11* and see 154 of the Indian Contract Act. The *Mit* on *Yaj II 67* says that ' a little less than ' means ' minus one fourth of the price '

598 Compare *Nār p 122 v 9*, *Yaj II 66*, *Mānu VIII 189* and *Br p 333 v 10*

599 Where the depositor knows that if he deposits an article with A, it is likely to be lost through the act of God or King and yet deposits it with A the latter is not liable for loss even if it occurred for any cause other than act of God or king

600 The latter half occurs in *Par M III p 290* with the reading ' *mrta* ' and ' *āvabhet* '

601 ' Proper time ' i.e. at the time when the cause of fear on account of which the deposit was made ceases to exist, ' improper time- ' if the bailee returns before the cause for fear has ceased or before

improper time, he (the bailee) should be made to pay fine double (of the value of the thing)

602 These rules are declared to apply to all kinds of upanidhis

603 If an artisan retains an article delivered beyond the definite number of days during which it was (agreed) to be worked up, he should be made to pay (its price) even if it was lost through Fate

604 The artisan shall not be made to pay (the price) if the article (delivered for being worked up) were to be lost through defects in the article itself. If what is delivered for being worked up is destroyed through the fault of the artisan, he should be made to pay (the price)

605 If an article is destroyed after it is worked up a little only, then the loss (of the wages for that much work) falls on the artisan employed, but when an artisan desires to deliver an article (to the owner) after it is finished, the loss belongs to the (owner) who did not take it, if it be destroyed

606 If (the loan of an article) were taken for a particular purpose or for a definite period of time and a demand

the bailor demands it Br p 333 v 8 says a deposit should be returned when it is at least once asked for

602 Compare Yāj II 67, Nar p 123 v 14, Br p 334 v 15

603 Compare sec. 161 of the Indian Contract Act

604 If old worn clothes were handed over to a washerman and they were torn in the process of washing because they were worn out, the washerman was not liable

605 If yarn is given to a weaver and he has only woven the border of the cloth, then if he has to weave it again, he has to do so without demanding additional wages. Similarly after the border woven is destroyed and the owner does not furnish additional yarn the wages already paid to the weaver belong to him and the owner cannot demand the wages back.

606 The V M takes this verse to refer to an article entrusted to an artisan, while, the Sm C. and Vir say that it refers to a 'gāstha'. In the middle before the purpose is fulfilled or the time fixed expires. The person has to return it after the time fixed

were made in the middle and the article is not returned (on demand), the person (taking the loan) would not be made to pay the price with interest

607 If a person (who has taken an article on loan) does not return it even when requested (to do so) after the fixed period is reached or the purpose (of the loan) is carried out, the borrower should offer the price (to the owner) if the article were destroyed or stolen

608 If (the borrower or bailee) does not return (the thing borrowed or bailed) even though a demand is made he should be made to return it with interest

609 If the owner himself (of the article borrowed as a loan) were (likely) to sustain loss (if the article were not returned when demanded by him), then the borrower should be made to deliver it back even though the time fixed (for the loan) had not expired or even when the purpose (for which the loan was taken) was half accomplished

610 He who having taken the loan of an article does not deliver it even on demand should be restrained and forcibly made to return it and fined if he does not return

611 That is declared to be (a bailment) called *anvadha* which is delivered to another with the words ' you

or the purpose is served and has not to pay interest simply because he did not return on demand, and if he does not return it then and the thing is lost he has to pay only the price. This verse is an exception to the rule in v 606. Compare sec 153-160 of the Indian Contract Act.

608. This states the general rule to which v 606 is an exception and v 607 is another

609. Compare the more stringent provision in favour of lenders contained in sec. 153 of the Contract Act

610. The lender had not to resort to the several means of persuasion &c. as in the case of a debt, he could at once resort to legal mode and if the borrower did not deliver even then the king would fine him.

611. Vide note on v 592 for an example of *anvadha* or *anvaha*

616. (The purchaser) should establish his purchase, to be overt by (the testimony of) his own kinsmen who are respectable. In this case no other means of proof, whether divine or human is declared (to be proper)

617. Where the party (the purchaser) after putting forward (the name of) the vendor again relies on overt purchase he must produce the seller and no purpose is served by (the plea of) overt purchase

618. If the seller cannot be produced (before the court), (the purchaser) should clear his purchase (as overt). When he has justified his purchase (as overt and so legal) he should not be blamed at all by the king

619. ('A purchaser ') who does not produce the seller or who does not establish the purchase (as overt) should be made to pay to the owner the price (of the article) as claimed (in the plaint) and a fine (to the king)

620. If the claimant of an article (alleged to be) lost does not establish that as his by the (the testimony of) his kinsmen he deserves to be punished like a thief in order to

616. No other means do,—provided such kinsmen are available but if such kinsmen are not available then other modes of proof were allowed

617. This applies to a case where the purchaser at first says he would produce the seller and then tries to prove overt purchase. He becomes a *hīnavadī* because he changes his case and so he is made to stick to what he first put forward as his justification

618-619. Compare *Yaj. II. 170* Br p 335 v 4 Nār p 143 vv 2 and 4

620. 'Pratanga' is explained as *atiprasaṅga* ' by the Sm. C. Claimants must be deterred from advancing false claims and hence severe punishment is prescribed. Compare Br p. 335 v 5. The purport of all these rules is—If A sells to B an article and C comes forward as the real owner and complains that A had no ownership, C had first to prove his ownership. If he failed in this he was fined (verse 620). If he proved his ownership then the purchaser B had either to prove a sale in market overt or produce the seller, if he produced the seller then he had to give up the thing to the rightful owner and claim his money from the seller. If he could

prevent the (taking of) undue advantage

621-623 Where a purchase has been made in the midst of a row of traders to the knowledge of the king's officers, but it is made from one whose habitation is not known or where the vendor is dead (after the purchase), the real owner (of the thing thus sold by one not owner) will recover his own chattel after paying half the price (to the purchaser), in such a case both (the real owner and the purchaser) lose a half on account of the rule of law (in such matters) Purchase from a man who was unknown (or whose habitation was unknown) is a fault and so also is being careless about preserving one's goods, both these are declared by the wise to cause loss of property

not produce the seller owing to distance, he had to prove overt purchase, if he did so, he would be free from blame, but he would have to deliver the article to the owner. If the purchaser could not prove even overt sale, then he had to deliver the article to the owner and to pay a fine to the king and he lost his money also. Vide Kaut, p. 180 (text) for very similar provisions.

621-623. In the midst of a row of traders'—This means that the purchase was not made in secret 'to the knowledge of &c.'—This means that the purchase was in an open market held under the supervision of state officials, even when a purchase was made in the open market and it was proved that the article belonged to another (and not to the vendor), the purchaser, if unable to produce the vendor because his address was not known or because he was dead (after the sale) had to give up to the real owner the article on receiving half of the price. Both were equally guilty, the purchaser purchased from one whose habitation was not known and the owner was not vigilant enough to keep his property. The law aids the vigilant and not the negligent. These verses lay down the doctrine of ' caveat emptor '. These rules show that in order to be a valid and legal sale every sale had to be in an open market on a market day and at a proper hour. Vide Yaj. II. 168, Nar. p. 145 vv. 2-3. These three verses are Br. PP. 335-336 vv. 7-9.

(Partnership)

624 When several persons either traders or artisans, join together or when unseparated brothers (work together or put ancestral funds together) the profit obtained by these is to be enjoyed in equal shares when they separate

625 They must each of them pay without fail in accordance with the agreement (made by them) for merchandise (bought for being sold) food charges, other charges (like tolls) losses (due to bad debts), freight and supervision of valuable property

626 Of those who jointly deal in (or lend for profit) gold, grain or liquids and the like the gain shall be the same as their shares (in the joint funds) whether equal more or less

627 If one out of many partners, being approved (i.e. authorised) by all alone gives property or contracts a debt it will be deemed to be done by all

624 This title is so called because there is something undertaken (*samudhaya* = undertaking) by several persons joining together (*samudhaya* = having joined together) In the dharma sūtras there is hardly any treatment of this topic It was therefore one of the titles of law that was developed last In the *Āltareya-brāhmana* (IX, 2) there is a reference to the fact that in the booty obtained in a battle the warrior was entitled to $\frac{3}{4}$ the and the chariot-warrior was given $\frac{1}{4}$ only Vide Yāj II 259 and Br p 124 v 1 (for definition) and Br p 310 v 3⁷ for the meaning of *ślipiṇ* as one who works in gold, silver-thread wood stone, leather etc.

625 This is the same as Br p 124 v 4

626 This is Br p 337 v 4 Vide Br p 336 v 3 which says that the expenses the labour and the profit of each partner shall be according to the original share of funds contributed by him.

627 'Gives property' i.e. enters into sale transactions on behalf of the partnership. Most directors read *karanam kīrayet* (he passes a document), which is a good reading, and was probably changed into *grāhaka*, as *karena* in the sense of document was not quite well known Compare section 21 of the Indian Contract Act (of 1872) This is the same as Br p 33⁷ v 5

628. A debt should be given to agnates / other relatives and friends only after taking a pledge from them (as security) and to others (a debt should be advanced) after taking a surety and under a document and before witnesses.

629 Gold may be advanced at one's will but grain and liquids should be advanced for a period (definitely fixed at the time of advance) One should lend and recover according to the custom of the country

630 What was given (or lent) by several (partners) jointly must be recovered by them in the same way (i.e. jointly), any one alone (from among them) should not demand it (from the borrower), if he does so he loses the gain (or the interest)

631 He who saves from thieves or from water or from fire any chattel should be given a tenth part of it this is the rule in all disputes.

632 If artisans (of four grades of skill) viz. apprentices, more advanced students, experts (in that craft) and teachers (are employed together in one undertaking) they

628 This verse lays down that a partner when lending out partnership money to his relatives and friends, should show more care by demanding a pledge or mortgage than when dealing with other people

629 'At one's will'—A partner may fix a period for repayment of money or gold or may not fix it at the time of making the advance Compare Br p 337 v 18

630 This is same as Br p 339 v 19

631 Compare Nār p 125 v 6 Yaj II 260 and Br p 338 v. 10 That partner who saves partnership assets by his own single-handed efforts from loss due to some calamity gets $\frac{1}{6}$ of the price as his special reward 'In all disputes'—this rule applies even to property not belonging to partnerships

632 Vide Manu VIII 210 and Mit on Yaj II 265 for an unequal distribution of the one hundred cows offered as 'dakṣiṇā' or the jyotiṣṭoma sacrifice among four principal priests and the three

shall receive one after another in order one two three and four shares (of the profit of that undertaking)

633 635 That booty which is brought by a pillaging party at the command of their king from an enemy country should be divided by them according to the (settled) rule (on this point) after setting aside a tenth part for their king The head of the pillagers should get four shares from that (booty) the specially intrepid (among the pillagers) should get three shares the capable (fighters of the party) two each, and the rest should each get one share If any one from among them while they are scattered about for pillage is caught then they should contribute according to the 1 shares towards the payment of the ransom (that the person caught) had to pay for securing his own release

636 This very rule has been declared by the good in the case of dancers one who keeps the time takes a half share, the singers take equal shares, the principals (in the troupe of dancers or musicians) are entitled to two shares each this is (the rule) as regards those who undertake (any work) jointly

637 This is the rule of decision as regards all who engage in a joint undertaking without previously defining their shares such as merchants husbandmen robbers or artisans

assistants of each of them Vide my notes to V M p 365 for complete explanation The P *svamīmāṃsī* had a special discussion on this topic (Jaimini K 3 53-55)

633 634 Compare Br p 341 vv 31-32 Br says that the king of the free-booters should get a sixth part of the booty (instead of $\frac{1}{10}$ as *Āt.* does) The Sm C explains that *Lhaspatis* verse applies in a very powerful enemy while *Āt.* refers to a weaker one while the V B explains that $\frac{1}{2}$ or $\frac{1}{12}$ depends upon the proximity or otherwise of the country

636 Br p 341 v 30 has the first two halves and reads ' *adhyarḍham* (a share and half)

{ *Non-rendition or Resumption of Gift* }

638-639 Wives and sons if unwilling should not be made the subjects of sale or gift wives sons and one's entire wealth could be employed by a man himself (for any purpose of his own), but in times of adversity one may sell or gift away (even one's wives and sons), but he should not proceed to do so otherwise (i.e. in the absence of adversity) This is the definite conclusion of the Śāstras

640 Whatever belongs to oneself which is over and above of what is required for maintaining one's family may be the subject of gift except one's house or one's entire wealth, what is other than this cannot be given away

641 The same as 471 above

642 He, who having voluntarily promised a gift to a brāhmana does not deliver it should be made to pay it as a debt and should be awarded the lowest amercement

643 A man is born for hundreds of crores of *kalpas* in the form of lower animals if he does not deliver what he has promised or if he takes back what is donated

638-639 Verse 638 refers to cases where there is no adversity. These verses are in conflict with 471 above. The Sm O and Par M explain 471 by saying that it applies where a man has an only son while these apply where a man has several sons. Vide note on 471 above. Nār p 128 v 4 and Br p 342 v 3 and Yā; II 125 declare that son and wife cannot be given away, but the Sm O explains these also in the same way. Compare Rant p 182 (text)

640 Compare Nār p 128 v 6 and Br p 342 vv 3-4. Sm O explains that this verse of Kāt. applies only where there is a single house and that if there are more houses than one acquired in one of the seven modes of lawful acquisition (as laid down in Manu X. 115) a gift could be made of one of them

642 Note v 556 above. Gautama V 21 made an exception that if a gift be promised to one (even a brāhmana) who does not follow the rules of life as required by religious texts, it should not be delivered

643 For the duration of *kalpa* vide note on v 10

644 645. Where a reward is indicated (i e promised) for finding out what is unknown that is declared to be wages when it (the gift promised) is obtained by the finding out (of the thing unknown) That is known as a gift obtained through gratitude when it is obtained in the following manner viz. (in return) for protection from danger, for guarding (the property of a minor &c) and for effecting some desired object (such as marriage)

646 To him who will rescue me who am in danger of life from this state, I shall give my entire wealth —even when this (promise) is uttered it cannot be so

647 What is promised through lust or wrath or by those who are dependent (like servants or slaves) by those distressed, by those who are cowards (or are frightened) by lunatics and by those who are infatuated or through misapprehension or joke may be taken back (or withdrawn)

644 645 Nār p 129 v 8 and Br p 313 v 8 speak of seven and eight kinds of val d gifts respectively two of which are bhrt h and pratyupakārah Ket in these two verses explains those words. Bhrt seems to mean a reward promised for finding out a lost article or an unknown offender &c.

646 If a man promises to give all his wealth for being freed from a dangerous situation the man who saves him from that situation cannot get his whole wealth — It cannot be so — It would not be the property of the man who saves it cannot be a valid gift.

647 Misapprehension — vyatyāsa s so translated It means as V R explains to give to A when B was meant to be the donee or to give an article X when Y was intended to be given The general rule as stated by Yāj II 176 is what is promised must be given and what is given should not be taken back This and the following verses give the kinds of promises that need not be kept and gifts that are invalid Compare Gaustama V 22 Nār p 130 vv 9-10 Br p 313 vv 3-10 in regards gifts by distressed) there was a special rule in favour of the validity as embodied in v 556 above

648-649 : What is promised as a bribe (to a man) for accomplishing a certain object need never be given, even though that object be accomplished. But if it (the bribe,) be already paid, it should be forcibly returned (to the promisor) and a fine eleven times (as much as the bribe should be levied), this is what the followers of Garga and Manu say

650-651 That is said to be ' utkoca ' (a bribe) which is obtained by these, viz by giving information about a thief, about a felon about one who breaks the rules of decent conduct, about an adulterer, by pointing out those who are of bad character or by spreading false reports about a person. In these cases the person offering the bribe is not to be fined but the intermediary deserves blame

652-653 If a man who is appointed to (do) certain duties (by the king) obtains a bribe he should be made to return the whole of the money (given as bribe) and to pay a fine eleven times as much (to the king) If a person who is not appointed to do a certain duty obtains a gratification which is in the nature of return (or reward) out of gratitude for (a kind) deed he incurs no blame

654. Same as 566

648-649 ' Utkoca ' (or utkoka in the masculine) is defined in vv 650-651 Eleven times —Eleven times the bribe was the fine to be paid to the king by the person accepting the bribe. These two verses are quoted in *Shri Sitaram v Shri Harhar* 1 L R 35 Bom 169 at p 180 where it was held that if an adoption was induced by a bribe given to a widow the bribe was an illegal payment and cannot support a sale or gift

650-651 ' Giving a thief — by suppressing information about a person who is really a thief or threatening an innocent person that he would be reported a thief, 'asatya-pravartana' may also mean by offer to procure false witnesses ' The intermediary'—The person who approaches both the giver and the taker of the bribe was fined and so was the receiver of the bribe fined. But the person who offered the bribe was let off, in contrast to the modern provisions of the Indian Penal Code in sec 161 and the following sections read with sec. 109

653 What is mortgaged or sold through deceit or what is gifted or accepted through deceit or wherever (the king or judge) sees fraud all such transactions he should annul

(*on payment of wages*)

656 When no wages are settled the trader the cowherd the husbandman should get a tenth part respectively of the profit of the milk and of the crops

657 He who is engaged in a work does not finish it at all should be forced (by the king) to finish it he deserves to be fined if he does not do it

658 659 A palanquin bearer encountering an obstacle at the time of starting should be made to pay double the wages (settled) (A servant) should not be made to pay when a thing (entrusted to him) is plundered by thieves or is burnt or carried away by a flood

660 (The master) who abandons on the road (while on a journey) his servant when he is tired or afflicted with disease should be fined the first amercement if he does not wait for three days in the (neighbouring) village (to look after his servant)

656 This verse should have been placed under non-payment of wages. The trader who sold as an agent a thing for the owner should get a tenth part of the profit made in the sale by the owner the cowherd employed to look after the cattle and to milk them is to get a tenth of the milk and the field labourer 1/10 of the crops (land seed and implements being furnished by the owner). Compare Yaj II 194 and Nar p 139 v 3

657 The Sm O says following a verse of Yuddha Manu that the fine would be two hundred kārṣapana. Compare Āp Dh 5 II 11 28 3 3 which provides for a field labourer or cowherd giving up his work

658 659 Palanquin bearer This is only illustrative and includes every one (like an armed escort). Obstacle simply means refusing to start at the time settled. Compare Nar p 148 v 8 and Yaj II 19

661 When the goods (or merchandise) are attached or carried away on the road, (the servant) should get as much wages as are proportionate to the distance already traversed

662. He who having hired elephants horses, bullocks asses camels and the like does not return them though his work is finished shall be made to return them together with the hire (until the date of return)

663 He who having taken on hire a house a water (tank) market or the like does not return it to the owner (even when his work is done) should be made to pay the hire (till the date of return)

(Dispute between master and herdman)

664 When (cattle) enter into fields parks reserved pastures houses and cowsheds they should be seized or beaten. This is the view of Bṛhaspati

665 In the case of beating of the beasts of the lowest, middle and highest class, if their owner raises a dispute (the king or judge) should there prescribe the fine.

661 ' Attached — by the king's officers (such as toll-gate keepers), ' carried away by robbers &c This applies to a case where a lump sum is fixed as the wages for carrying certain merchandise for a certain distance

662. ' Water — means a water vessel ' according to the Sm. C. and Vir, V R seems to take it as referring to water tank dug by the owner

664 Compare Ap. Dh S II. 11 28 5-6. The Sm. C says that the calves should be seized and the big bullocks should be beaten

665. ' Raises a dispute — If the owner of the trespassing beasts pleads that the beating was more severe than necessary or allowed by the śāstras and proves his contention the owner of the field trespassed upon was fined according to his fault.

666 Before the crops have grown (the owner) should construct a high paling (surrounding them) Animals (or deer) when they have once tasted the sweet (crops) can be warded off only with great difficulty

667 He (the king) should make the (owner of a trespassing) cow pay a fine of a fourth pana (the owner of) a she-buffalo two quarters of a pana so also the fine in the case of goats sheep and calves is declared to be a fourth (of a pana)

(*Violation of compacts*)

668-669 Members of groups while strictly adhering to their individual duties (as laid down in the sâstras) should perform all their actions according to the conventional rules of their various groups If royal edicts (or commands) that are issued are not in conflict with one's duty (as laid down in śruti and smṛti) one should by the king's order first perform those acts only

666 Compare Manu VIII 239 Nār p 164 vv 40-41 This verse applies to a field which is near a forest while Nār p 164 v 41 applies to a field which is near a public road

667 Pana here means karsupane' In the various smṛtis various fines are enumerated which apply to various sets of circumstances Vide Gautama XII 19 '3 Nār p 161 v 31 Yaj II 159 160 Manu VIII 241

668 669 Compare Yaj II 186 Br p 347 v 5 Nār p. 153 v 2 The Māi mentions among compacts made by groups in a village the rules about pastures about the distribution of water and preservation of temples and among royal edicts (not in conflict with dharma) such as giving food to travellers coming to a village not selling horses to persons from an enemy country Br p 348 vv 11 12 give as examples of agreements made by groups and reduced to writing the following The construction of a house of assembly a shed for giving water to travellers a temple a tank, a garden relief to helpless people, performance of sacrificial acts, a common path or defence shall be undertaken by us in proportionate shares The Sm O says that if a king's order (e g a field or house donated by the king should not be sold or mortgaged) is opposed to the general rules of dharma then it unconditionally follows from the above verse (669) that it need not be obeyed

670 That wicked man who would not observe the rules put in vogue by the king should be censured and fined as he acts at naught the king's order

671 He (that member of a group) who opposes what is reasonable who gives no scope to the speaker (when the group meets) or who speaks what is absurd should be made to pay the first amercement

672 He who is guilty of *śhaya* (a heinous crime) who causes a split (in the group) or who destroys the wealth belonging to the group— all these should be proclaimed to the king and destroyed (by the group), this is the view of Bhargu

673 He who can eat in the same vessel or in the same line with another should be fined if he refuses to do so without pointing out the fault (in him that prevents such communality of food)

674 Whatever debt was incurred (by the spokesmen of groups) as for the (purposes of) the group but was misappropriated (lit eaten up) by them or was applied to their individual purposes must be paid by them lives only

675 676 Those who (subsequently) enter into group operations and classes become equally entitled to the property and liable to the debts (of the groups) previously (acquired

or incurred) . One who is inside a group is entitled to a share in the food, the partible things (like grain), in the charities, and religious duties (of the group) but one who has gone out (of a group) is not entitled to a share

677 Whatever is obtained by them (i. e. by the adherents of groups) or is saved by them or whatever debts are incurred by them for their group and whatever they obtained through the favour of the king should be equally shared by all (members of the group)

678 A group of several inhabitants of the same city is called ' *naigama* ' a troop of persons bearing various kinds of weapons are declared to be *vrata*

679 A group of merchants and the like is declared to

677 Yaj (II 189 190) says that when the principal men of a group went on the king the latter should listen to them and send them away with honours and gifts and that whatever they obtain from the king they should hand over as the property of the group This is *raja-prasada-labdha* . The principal men of a village represented the village in a boundary dispute . The additional land they may obtain belongs to the whole village . This is whatever is obtained &c . Compare Br p 349 vv 22 and 24

678 Narada has a verse *सर्वव्रतेश्वर-मणिरूपमवधारयति न भवेत्समस्त राजा दुर्गोपपद्यते तदा* (Nar p 153 v 2) the various terms in which have been differently interpreted by different commentators . Kat explains in his own way most of these terms . Yaj II 182 is a similar verse . The Mit explains *naigamas* as sects like the Paupatas who though not accepting all the dogmas of orthodox Brahmanism accept the Vedas (*śāstras*) as authoritative . The Madanaratna explains ' *naigamaśā* ' as merchants who form a caravan . The word *vratā* occurs even in the Vedas and means a collection or multitude ' (Rg I 163 8 VI 75 9 IX 16 " and Vā Sam III 55) . The Mahābhāṣya on Pāṇini V 2 31 (*vratena jñātā*) explains *vratā* as a group of men of several castes and several occupations who make a living by relying on their tall bodies .

679 The word *puga* occurs in the *śāṅkhya* brāhmaṇa 16 7 (*puga va Rudra*) where Rudra is called *puga* . Pāṇini (V 2 59) strings together *puga*, *gaṇa* and *saṅgha* . Medhātithi (on Manu IV 30) explains *pugaṇa* as Buddhās and others who do not recognise the Vedas . Mit explains it similarly . *puga* is explained by the Smr C as elephant and horse riders while the V 21 says that some explain it as meaning ' multitudes of persons of various castes whose means of subsistence are not fixed ' .

be 'puga' and those are said to be 'pasandas' (heretics) who have forsaken the (rules of the) order of ascetics

680 The corporation or brahmanas is called gana and those who subsist by following some craft are called craftsmen

681 The groups of the followers of Arhat (i.e. the Jainas) and of the followers of Buddha are styled sangha and the companies of cāṇakās and svapakas (those who eat dog flesh) are called gulma

682 Ganas heretics pugae vrātas and srenis (corporations) and all others who constitute groups are styled vargas (groups). This is what Bhaṣapati says

(Repentance after purchase and sale or repentance after purchase or non delivery after selling)

683 He, who after having purchased a thing and having brought it under his control does not receive it or he who does not deliver it as free from defect (such as being wet) should pay a tenth part of the price to the other (side) and would obtain his property

680 The Mit. on Yāj II 10^o explains gana as 'an assembly of persons armed who subsist by following one avocation. Gana occurs in the Vedas (Rgveda I 14 3 I 61 12 and Tai. Sait V 4 77 speaks of the Maruts as formed into gana)

681 Sangha is well known in Buddhist works. Buddha, Dharmā and Sangha these constitute their great trinity. Kāṭh p 12 speaks of sangha of Vṛonis perishing through their attempt at a nīti Dva paya a

68^o sreni occurs in Rg I 163 10 (where it is said that 120 harness they work in groups). The Mit explains that a sreni is a guild or corporation that follows the same trade or craft. Compare Gautama VI 21 where it is said that husbandmen, merchants, herdsmen, money lenders and craftsmen are authority as to the usages of each varga (group). Vide v 340 above which is similar

683 This applies to one who having purchased a thing repents of it and so does not accept delivery or one who having sold a thing does not deliver it. compare Nār p 149 1 and j 116 v 1

684 When the time of employing a thing for the purpose (for which it was purchased or sold) has not arrived then (the king) should not make (the defaulting party) pay (the tenth part of price) though receipt (of the thing purchased) or delivery (of the thing sold) is not made. This is the rule up till the 10th day, beyond that there is no (recognition in law of repentance)

685 In the case of land (repentance is allowed) to the seller up to the tenth day, the same is the time for the buyer, twelve days are allowed to *aspidas* (for repentance in the case of lands), lesser time than this (is allowed) in other cases

686. If after purchasing (an article) the purchaser repents and does not receive the article such as milch cattle though it has no defect at the time (of repentance) he should offer a tenth part of the price (to the seller)

687 If the purchaser after purchasing an article, begins to repent when it has been delivered to him, then a wise man after giving a sixth part of the price should give up the thing purchased

688 When a cow or bullock is purchased for milk or carrying burdens and the purchaser refuses to receive the cow or bullock before that time arrives or the seller refuses to deliver he had not to pay even the 10th part of the price. This is a special case. Compare *Manu VIII, 222-223* for the period of ten days for repentance. *Nār* (p. 150 vv 2 and 3) allows a shorter period for repentance. The *Par M* explains that the shorter periods apply to things that are lost or deteriorate by use even for a short time

689 *V R* explains ' at the time ' as ' at the time of paying the price ', while the *Sm C* explains as above. According to *V R* this verse applies where a thing was purchased without examination

690 *V R* says that the former verse applies where the thing purchased has not yet come into the custody of the purchaser. The *Vir* says that this verse (viz payment of $\frac{1}{10}$) applies where the thing purchased is such as perishes by use

688 If what was purchased without being properly understood (by examination) is later on proved to have defects, that purchased article may be returned to the owner within the time (prescribed for examination) but not otherwise

689 Where (a seller) having shown an article free from defects (as the one to be sold) delivers one that is full of defects, he should be made to pay double the price (to the buyer) and an equal fine as punishment (to the king)

690 If an article were to be burnt or carried away (by thieves) the loss falls on the seller only, when having sold it he does not deliver it

691 And where the purchaser does not accept the article purchased by him when it is being delivered to him, then the seller, if he sells it to another, would not be guilty of any fault

692 What has been sold by one intoxicated or insane or for inadequate price or through fear or by one who is not his own master or by an idiot should be relinquished (by the purchaser) it still belongs to him (the seller)

693-694 One (the purchaser) should examine milk animals for three days, a beast of burden for five days and the examination of pearls, diamonds and corals may be for seven days Half a month (may be allowed) in the case of male bipeds

688 An article though full of defects cannot be returned after the time prescribed for examination This embodies the doctrine of caveat may for Vide vv 691 693 above

689 Compare Br p 350 v 1

690 Compare Yaj II 256 Nar p 148 6

691 Compare Yaj II 255 Nar p 148 v 3 Yaj provides that the loss on resale falls on the defaulting buyer for which compare sec. 107 of the Indian Contract Act *

692 The last quarter may be construed that man (the purchaser) will have to relinquish it Compare Br p 350 v 2

693 694. These are the same as Nar p 150 v 6 Compare Yaj II 177 who compares in one verse the contents of these two verses Male bipeds — means slaves This verse applies where the thing is purchased without examination If an article is —

(for examination) and twice as much in the case of females, ten days for all kinds of seeds and one day for iron and clothes

695 If some blemish in the article purchased is seen before the periods (specified above) expire the article should be returned to the seller and the purchaser will get back the price (paid by him)

696 When a garment is worn out by use is in a tattered condition and soiled if it is purchased even with all these (patent) defects it cannot be returned to the seller

697 If a thing jointly owned (by several) were purchased a single wife man cannot deliver it (to the buyer) It should not be received nor taken nor should it be sold

698-699 Where a purchaser after purchasing a chattel for a price thinks that he has made a bad purchase he should return it to the seller the very same day without looking at it The purchaser returning it on the 2nd day should offer (to the seller) a thirtieth part (of the price) and double of this (i.e. 15th part) on the third day After that (the third day) the article belongs to the buyer himself (and cannot be returned)

chased after examination it cannot be returned Vide Nār p 150 v 4 and Br p 350 v 3

695 Vide Br p 350 v 6 for the same verse

696 This is the same as Nār p 150 v 7

697 Properly in a thing belonging to several persons jointly cannot pass by the act of one alone without the r consent.

698 Without looking at it without stopping to examine it. If we read avikasam it means (he should return it) without any damage to it (and if some damage has already resulted then with compensation) Both 698-99 are the same as Nār pp 149-150 vv 2-3

700. After dividing the value of a thing into five parts, three parts are declared to be the price of it, the fourth part is the profit and the fifth is meant for truth.

701. A compromise and an exchange, if they are unequal, can be annulled for three generations and a sale by order can be annulled up till the 10th year.

702. The conclusion is that there can be no lawful sale or purchase of land without securing the approval of the kinsmen (of the seller and buyer) who are neighbours (i. e. owners of neighbouring lands) and who are respectable men.

703. In the same village a period of ten nights (for vetoing by kinsmen the sale made by one of the kinsmen) is prescribed; when (land sold is) in another village, the period is three fortnights, when in another country six months, when the language (of the kinsmen vetoing) is different, a year.

700. This verse appears according to Saras to trade in saffron. It is somewhat obscure. If $\frac{3}{5}$ ths of the value of a thing in the eyes of its owner are offered, it is an adequate price. $\frac{1}{5}$ of the value really corresponds to the profit which the seller wants to make and the other $\frac{1}{5}$ is what he wants for holding the purchaser to his transaction; i. e. it represents what the seller thinks should be compensation to him if the sale goes off.

701. This is cited by the Saras, as from Vṛddha Kātyāyana. An *vyākṛaya* appears to be a purchase by order of the king of a man's land for recovery of the land revenue or other state dues. Vide v. 704 below. The Saras quotes verses from Bhāradvāja and Sumanu to the effect that a compromise, an exchange and a partition can be resiled from for ten days even when it is fair, but up to nine years when any one of them is unfair. Thus the rule about repentance for ten days in the case of sales is applicable to other transactions also.

703. The Māt on Yāj II, 114 quotes a similar verse "स्वग्राम-वासिभ्यस्तदायदागुपतेन च । हित्वाद्वयदानेन वाभिगच्छति वेदिनी ॥" and remarks that the consent of the villagers, kinsmen and coheirs was to be taken simply for the purpose of giving notice to them of the intended sale and of neighbours for avoiding disputes about boundaries in future. So Kāt must be interpreted in the same sense.

703. This verse seems to lay down the periods during which kinsmen could prevent a sale by one of them becoming perfect by opposing it and withholding their consent.

704 If the man liable to pay the (land) tax absconds along with the surety for the tax the members of the (royal) audience hall should sell the land of the taxpayer for recovering the tax

705-708 What is decided upon by the neighbours gathering together who know (the land &c and its value) and who are afraid of sin as the price of fields gardens houses and the like and of bipeds and quadrupeds that is said to be their proper price Dividing that price into eight parts, any price (offered by a buyer) which exceeds by $\frac{1}{8}$ th or is less by $\frac{1}{8}$ th (of the price so decided) is to be known as im proper

707 All that (i.e. a sale for inadequate price) can be annulled even when a hundred years have elapsed In purchases and sales (a thing) should be sold for that price which the article deserves according to the rules (of śāstra)

708-709 If when a purchase or sale is effected and when the price is less by a fourth fifth, sixth seventh or even eighth part (of the proper price arrived at as laid down above), all that becomes (a transaction) for an inadequate price and though carried out must be (regarded) as not done (i.e. as invalid) But a purchase is not at all defective when it is (for a price) a little less than (the price arrived at as above)

710 But when a purchase or sale falls short as to price by that part then the transaction though carried out is declared by those who know *dharma* to be invalid

705 Supposing the proper price of a house decided upon by the kinsmen is 800 rupees then any price below 700 is inadequate and any price above 900 is improper or too high

709 A purchase for 750 when the proper price arrived at under 705 is 800 Rs is good

710 By that part i.e. by more than $\frac{1}{8}$ th of the proper price

711. A sale of 'uktalābha' kind will be valid if it is for more than half (the price of the thing as settled by the rule above) provided more than ten (years) have elapsed (after the period fixed in it) An *avakraya* (transfer for hire by a bailee) becomes valid after enjoyment for three generations and a purchase by mutual agreement (between the seller and buyer) becomes valid at once

712 The purchase of an article may be rendered valid even when much less than the proper price has been paid , but (the balance of the price) would have to be paid with compound interest if there is no agreement (as to the time when the balance of the price is to be paid)

(*Breach of a contract of service*)

713 That master, who would not teach (his apprentice)

711 An 'uktalābha' seems to be the same as the mortgage by conditional sale defined by sec 58 (C) of the Transfer of Property Act The *Sarva* p 324 quotes the following definition 'क्रियन्तु द्रव्यमादाय बाले दास्यामि ते इति वा । नो च मूलमिदं स्वकं वेदादिति वा । अथ । स उक्तलय इत्युक्तं उक्तलयेत्यनपवादः ॥' *Avakraya* is a transaction where by a bailee transfers to another an article for hire e.g. where a washerman to whom a garment had been given for washing gives it to another (than the owner) for a time in return for hire Vide Mit on *Yaj* II 238 ('Yikrayavakryadhānayaśiesu pāpān dāta') for definition of *avakraya* *Pāṇini* (IV 4 50) uses the word 'avakraya', but it is explained as the dust recoverable by a king from a market &c *Gentiana* XII 39 uses 'avakrīta' in the sense of 'what is purchased but the price of which is altogether unpaid or only partially paid' This meaning may suit in this verse If a man purchases a thing with out paying the price ownership in the thing is not perfect for three generations

712 Compound interest will be calculated for the balance, when no time has been fixed if a time has been fixed for the payment of the balance then till that time only the balance has to be paid But even with in that time if a demand is made there is compound interest calculated from the date of demand

713 *Abhyapetya* means 'after having made an agreement, after having accepted and *asānuṣṭhā* means not serving or waiting upon Compare *Nār* p 133 v 17 According to *Nārada*

the craft (for learning which he is apprenticed) and employs him for doing other work should be fined the first amercement and the apprentice should return from him

714 An apprentice although he may have (thoroughly) learnt (the craft) should indeed do (at his teachers house) the work undertaken by him The fruits of the work that he may do there (in the teachers house) belong to the master himself

715-716 Bhṛgu holds that (a man) becomes a slave as he surrenders himself when free (to another's will) just as the wife (surrenders her person to the husband) (Members) of three varnas can become slaves but a brāhmaṇa can never be a slave Slavery in the case of the (three) varnas viz kṣatriyas vāśyas and śūdras is in their direct order and not in the inverse order when they surrender their independence

717-718 Even one of the same caste (i.e. a brāhmaṇa) should not make a brāhmaṇa work as a slave since the glory (lit lustre) of a king becomes tarnished by the slavery of a brāhmaṇa A man who is a kṣatriya vāśya or śūdra in his duties may occasionally do the work of a slave for a man of the same caste (as his own) but a brāhmaṇa should never

(p 131 vv 2-3) there are five sorts of attendants pupils (śāya) apprentices (anuvrasaṇ) hired servant (bhṛtaka) supervising official (adhikarmakṛt) and slave An apprentice is one who desires to learn a craft or art (like dancing and singing) resides with a master with the consent of his relations having fixed the duration of his apprenticeship (vācā Nār p 133 v 16)

*714 Even if a pupil masters the technique of the craft quickly he had to remain with the teacher till the period of apprenticeship agreed upon expired Compare Yāj II 184 and Nār p 134 v 19

715-716 In the direct order — a śūdra could be the slave of any master of the four castes a vāśya of any master of the first three castes but not of a śūdra master a kṣatriya could be a slave of a brāhmaṇa or kṣatriya master but not of a vāśya or śūdra master Slavery is here assimilated to anuloma marriage Compare Nār p 137 v 39 and Yāj II 183 (latter half)

be made to do the work of a slave. This is the view⁴ of Bṛhaspati.

719 A brāhmana may, if he chooses, do work of an inferior kind for another brāhmana who is possessed of (high) character and Ved & learning, but even then a brāhmana should not do what is impure work.

720 Sweeping floors and urine shampooing (the master) when naked and taking charge of (or seizing) bulls and the like—these should generally be done by the issue of female slaves.

721 Where the three varnas, brāhmana and the rest become apostates from the order of ascetics, the king should banish the brāhmana from the country and should make the kṣatriya and vaiśya work as a slave.

719 A brāhmana could not be made to work as a slave even by a brāhmana, but a brāhmana may of his own will do menial work for another learned brāhmana as an act of good will (as paropākāra) and not for wages but he was not to do even for a brāhmana impure acts like sweeping the gate, privy or road, shampooing private parts. Le Nārada divides occupations into śubha and aśubha which latter are to be done only by slaves. Vide Nār pp 131-132 vv 6-7 for impure acts.

720 V P explains 'nagmatravatimardana' as 'helping to put on clothes when the master is naked.'

721 Compare Nār p. 131 v 35 and Yaj II 183 who declares that one who has fallen from the order of asceticism becomes a slave of the king till his own death. One who does not do the duties appropriate to a sannyāsin is pratyajñavāsita according to the Mīṭ, and becomes a slave if he does not perform the proper *prayasaita* (penance). Dakṣa declares that he who is an apostate from asceticism should be branded with a red hot piece of iron resembling a dog's foot, and then banished. If the king is himself a vaiśya or śūdra, this verse shows that one who was a kṣatriya and became an apostate may thus become the slave of a vaiśya or śūdra (king). So far this is an exception to v 716.

722 One may make the śūdra work as a slave whether he be purchased or not purchased, the creator himself created him for slavery.

723 When a master has sexual intercourse with his female slave and the latter then gives birth to a son, the master looking to the seed (which was his own) should make the female slave free from slavery together with her progeny

724 The wealth that a slave has belongs to the master (of the slave) But the master is not entitled to that money which (the slave) got by selling himself openly

725 A woman who is not a slave if she is married by a slave, becomes a slave since her husband is her lord and the husband is dependent on the master (whose slave he is).

722 Manu VIII 413 reads ' brahmanāya for 'āvayam aya ' in this verse

723, Compare Kaṭṭ p 183 (text स्वादिनस्तर्पि दास्यं जल समादृतं मयसं विप्रात्) ' Looking to the seed — The Sm C explains this as ' looking to the fact that she conceived from him and that otherwise his own child would be a slave V R says that this applies when the master has no son For the method of freeing a slave vide Nār p 138 vv 42 43 This verse is referred to in I L R 7 Mad 407 at p 412

724 Compare for the first half Manu VIII 416 (which is the same as Nār p 138 v 41) and Mahābhārata Udyogaparva 3364 (which is slightly different) The reading of the Vivādaśānta manī prasāda vikrayāt ' gives the best sense meaning ' what the slave gets through the favour of his master and the price he got by selling himself do not belong to the master

725, A woman may be free and marry a slave then she becomes the slave of the same master, A woman though a slave may not be the slave of that master whose slave her husband is. If her master consents to the marriage then he loses his ownership and she becomes the slave of another But if the marriage takes place without her owner's consent, then she does not cease to be his slave and her slavery to the husband's master is only indirect,

726 729 If one would take (i e buy) a brāhmaṇa woman (as a slave) or would sell her, the king should annul that (transaction) and all of them (buyer, seller &c) would be liable to pay a fine. He who enslaves a woman of a respectable family that took shelter with him at her pleasure or who transfers her to another as a slave should be fined and that transaction should be annulled. He who enjoys the nurse of his child or another woman who is not his slave or the wife of his servant as if she were a slave, should be fined the first amercement. He who though well off and not involved in any misfortune desires to sell a female slave who is faithful and who weeps bitterly should be fined two hundred.

730 He who being not his own master offers himself to another (as a slave) saying ' I am thine ', he (the slave) would not secure his desire and his former master would get him back.

731 One who becomes a slave because he is an apostate from the order of asceticism cannot be freed from slavery by anybody. One who was maintained during a famine is freed from slavery if he gives a pair of oxen.

726 729 For 726 compare Vigna V 151 ' Another woman who is not his slave i e who is placed under his care or who comes to him for shelter. ' Weeping bitterly i e who is unwilling to be sold to another. ' two hundred — this refers to panas. The verse implies that if the slave is not devoted to the master, no fine is incurred by selling her.

730 Not his own master ' i e being already the slave of one man would not secure his desire i e he cannot be the slave of the other man to whom he desires to go. This is the same as Nār p. 138 v 40.

731 Nār (pp 135-136 vv 26-27) enumerates fifteen kinds of slaves of whom ' pravrajyāvṛta (apostate &c) and ' anekāla bhṛta (maintained in a famine) are two. So Kat has in view Nārada's verses. Manu VIII 415 mentions seven kinds of slaves but he does not exclude a larger number. With the first half compare Yaj II 183 and Nār p 137 v 135 and vide v 721 above. The only way in which an apostate from asceticism could gain his release would have been by saving the king's life from danger by endangering his own life. Vide Yaj II 182 and Nār p 136 v 30. The latter half of 731 is the same as Nār p 136 v 31.

(*Boundary disputes*)

732 There are six causes of land disputes, viz larger extent of share or deficiency of share, the existence or non existence (of a share in the land) seizing or possession when there was no possession and boundary

733 In boundary disputes enjoyment (i.e. possession) should be relied upon (as the means of proof) and (that) depends upon witnesses. A witness is of two sorts, viz one who has subscribed himself on a document and one not so

734 When a dispute between two men arises as to fields, houses ponds wells gardens and dams the neighbour who dwells on the border is the deciding evidence in all these matters

732 The Mit on Yāj II 150 explains these six — When one says that he has more than five *niartanas* of land in a particular area and another says that he has only five and not more this is a dispute as to *adhikya* (larger extent) if one says he has five *niartanas* of land and another says that that man is entitled to less that is a dispute about deficiency (*nyunata*), where a man says that his share is five *niartanas* and another says he has no share that is a dispute concerning the existence or non-existence of a share when one says that his land which was never in the enjoyment of another has recently been taken into his possession by that other and that other says his enjoyment is immemorial that is *abhogabbhukta* cause of dispute Whether this is the boundary or that is the sixth cause of land dispute But in all six boundaries have directly or indirectly to be settled and therefore all may be included in the topic ' *simavivada* ' A boundary dispute may relate to one between countries villages fields and houses

733 It is better to read *ma ca sākṣinau* Compare Manu VIII 252 253 A witness in a boundary dispute is defined by Brhaspati as अग्रं च प्रमाणं च योगं कालं च नाम च । भूभागलक्षणं चैव ये विदुस्तत्र साक्षिनः ॥ quoted in *हस्तिक** III p 537

734 Compare *Varaṇṇa* 16 13 *गृहप्रतिविधिः सामन्तप्रत्ययः* and Manu VIII 262

735 When there are neighbours (available as witnesses) (the king or judge) should decide (disputes about the boundaries of) fields and the like by (the evidence of) neighbours, so also about boundaries of villages towns and districts

736 A village is the 'sāmanta' in the case of (another) village, a field in the case of a field and a house in the case of a house, since these stand (as if) embracing (each other) all round

737 In the absence of them (witnesses) *samanātas*, *maulas*, *vidhas* and *uddārtas* are in order (the means of decision) in all the six kinds of disputes about immovables. This should not be doubted

738 *Sāmanātas* are those who are inseparably connected (with the village in dispute), then beyond them are those who are connected with them and then come those who verge on those who are connected with the *samanātas* — all these are like the lotus (with numerous layers of petals)

735 'Samanāta' is derived from 'samanāta' and means 'those who stay round about' (samanāta bhava). Omit the *oraprasa* after 'samanātabhava'

736 When there is a doubt about the boundaries of a village the four villages round that village in the four principal directions are the neighbours (*samanātas*). The words village field house stand for persons dwelling therein or owning them. Compare *Manu VIII 258*

737 *Maulas* and the other two are defined in vv 743-745. The six kinds are those in v 732 'In the absence of them — in the absence of the two kinds of witnesses mentioned in verse 733. Vide *Manu VIII 258* for *samanātas* in the absence of witnesses

738 The four villages immediately on the boundary of the village in dispute are called *samanātas* (or *samāsaktas*) these are *samanātas par excellence* the four villages beyond these four are *saśaktasakta*. The four villages even beyond the 2nd group of four are *samāsaktasaktasakta*. These latter two classes also may be called *samanātas* in a secondary sense. They resemble a lotus the inner petals being *samanātas* the next layer being the *samāsaktasaktas* and so on.

739 740 When the *sāmantas* (the first row of surrounding villages) are shown to be vitiated by defects for establishing the purpose (viz the correct boundary) the decision should be made, as the matter (of boundaries) is a very important one, by (the evidence of) those (villages or villagers) who come immediately after the (first row of) *sāmantas*. There is no doubt about this. When faults (are shown) in those who come immediately after the *sāmantas* (the first group of villages), those (i.e. the third group) who are after these (after the 2nd group) are declared (to be the persons whose evidence is decisive). But the king who knows the law should not hold those who are shown to be vitiated (as proper persons for giving evidence as to boundaries).

741 The *sāmantas* (neighbouring villagers) are not free from their duty of (helping in) decision (of a boundary dispute) by (pretending) ignorance. When they profess that they are ignorant they should be fined and (the king) should farther proceed with the consideration (of the boundary dispute) when they (*sāmantas*) have deposed and there is contradiction (in their testimony) they should be fined the highest amercement.

742 Giving up neighbours (*sāmantas*) if they are vitiated (by partiality &c) the king should settle (the

739 740 Vitiated by defects i.e. they are seen to be partial owing to friendship or enmity. The *sāmantas* even though shown to be partial owing to friendship or enmity are not to be regarded as proper persons simply because they are *sāmantas* if they are partial then the next row (*śāśaktasaktas*) are to be relied upon.

741 'Farther proceed i.e. he should rely on documents and on the evidence of other persons (like *śāśaktas* &c)'. Vide *Vas* 16 14 *सामन्तान् विचार्य* Nar p 156 v 7 prescribes the second amercement in this case and so do *Manu* VIII 263 and *Yaj* II, 53. Therefore *Katyāyana's* rule is applicable where the deposition is grossly false.

742 Others — there are persons other than *sāmantas*, i.e. they are citizens and other villagers &c. It is better to read 'samlkṣya (having considered) or sammarṣya' as *Y R* and

boundary by mixing up others with the *maulas* and the root. Those who know the law declare this to be the law (on boundary disputes)

743 Those are called by the sages *maulas* who were at first *sāmantas* (of the disputed land) and afterwards migrated to another country, (being called *maulas*) because they (were) principal ones (at one time)

744 Those are called *uddhrtas*, who, whether they are actually old or not, being endowed with the (good) qualities of men saw the matter (of the boundary) when it was effected

745 They are known to be *uddhrtas* since they being marked with the characteristics of knowing (the boundary) from others, enjoyment, recovering the taxes (of the land in dispute) popular report, help to decide the matter

746 *Sāmantas* are the first means of proof (in boundary disputes) but if their undesirability is pointed out, then those who are beyond them (are the means) provided they are

Sm C respectively do. Manu VIII 259 also says that in the absence of *sāmantas*, the king should rely on *maulas* and in the absence of these on others

743 'Maula' is derived by Kat from 'mūla' (the root). At one time being *sāmantas* they were of prime importance and hence they are called *maulas* (though they are no longer *sāmantas*)

744 'Whether they are actually old or not — Being old is not an essential requisite of the definition. They must have seen the boundary being actually laid down or described in former times

745 *Uddhrtas* are those who know the boundary in an indirect way i.e. by hearsay &c. 'Karya' is explained as 'kara-grahana', 'akhyāna' as 'varā' and 'upe'ṛavāna' as 'paraśpara-prasiddhi' by Apararka

746 This verse declares that *sāmantas* or *sambhaktas* are the principal persons, if faults (due to friendship or hatred) are shown in them, then the next group (*sambhaktas*) is to be taken, but

possessed of good qualities and are double in number (of the *sāmantas*), those other than these last (i.e. *sāntasaktas* *sāntasakta*) must be three times as many (as the *sāmantas*)

747 Even a single person, if acceptable to both (parties to the dispute), may in some cases lay down the boundary as it should be, he should do so clad in red clothes with an unperturbed mind and after placing a clod of earth on his head

748 In the absence of all, (the proper boundary) is the one determined by the king himself who is free from all sorts of apprehensions

749. (This procedure should be followed in deciding boundary disputes) about large fields, wells, tanks, enclosed fields, gardens, houses, mansions, cottages, king's palaces and temples

their number must be double of the *sāntasaktas* Yaj II 152 laid down that the number of *sāmantas* must be 4, 8 or ten. So the *sāntasaktas* must be 8, 16 or 20. Compare Śāṅkha Lohita 'गृहसप्तविंशतिरेके सामन्तप्रत्ययः, सामन्तविंशतिरेके जमिनेत्यप्रत्ययः, जमिनेत्यप्रत्ययः प्रत्ययगवद्दशोपविंशतिरेके दशवत्प्रत्ययः राजविप्रत्ययः' (quoted in V R p 208)

747 Compare Bc p 352 v 11 Nar p 157 v 9 laid down the general rule that a single man should not fix a boundary, but in v 10 he allowed even a single man to do so. The wearing of red garments and placing earth on the head are prescribed even in the case of many by Manu VIII 246 and Yaj II 152

748 When there were no witnesses no *sāmantas* and the rest, no indications such as trees &c for settling the boundary, the king was to settle it according to his own lights. Vide Manu VIII 265, Yaj II, 153 (latter half) Nar p 157 v 11

749 Compare Manu VIII 262, Yaj II 154, Nar p 157, v 13. 'Kedara' is explained 'as a field with low embankments'

750 Of the many persons gathered together (for settling the dispute) if all do not give decisive testimony through fear or greed, each of them should be made to pay the highest amercement

751 In the case of (settling a boundary dispute by) walking over the boundary, in the ordeal by holy water, and in swearing by touching the feet (of idols, elders or brahmanas) (the visitation of) divine disfavour or royal disfavour is to be expected within three fortnights, one fortnight, a week respectively

752-3 One should not interfere with the base of the wall, a drain (or waterspout), a balcony, window, water-course and dwelling house (of another), one who obstructs these would be liable to fine These are not to be added (to one's house) after the first building of it (so as to cause obstruction or annoyance to another), one should not open a window (so as to command a view) in the interior of another's house or should not construct a water-course (that will drain off rain water) on another's house

750 Vide v 741 above and note thereon Compare Manu VIII 257 (prescribing a fine of 200 panas for saks) and v 263 (which prescribes middle amercement for false samantas), Yaj II 153 (who prescribes middle amercement : i e 500 panas for samantas), Nār p. 155 v 7 The Mit explains that the highest fine is to be awarded if they purposely give false testimony

751 The idea is that a boundary settled by the evidence of samantas &c should not be regarded as final for three fortnights, if within that period the persons settling that boundary are visited by divine or royal displeasure then it is to be inferred that they decided falsely

752-753 Compare Br p. 354 vv 24-25 for similar provisions as to the protection of easements ' should not open a window '— this right of privacy is recognised even now by the courts as prevalent in Gujarat, Vide 2 Bom L R 454, 22 Bom L R 226

754 One should construct the mounds meant for (depositing) ordure urine and filthy water, a fire place and a pit at a distance of (at least) two cubits from the walls of other people (his neighbours)

755 That by which all men pass at all times without obstruction is called *catuspatha* (thoroughfare or road where four roads meet) and that is called *rājamārga* (king's way) by which all men can pass at certain times

756 One should not plant anything on that (thoroughfare or *rājamārga*) nor should obstruct it by (placing on it) anything. A man who does not give precedence on the way to his *guru* preceptor, the king and the like is liable to fine

757 He who puts obstruction (by keeping carts &c) thereon or makes pits or plants trees or wilfully voids excrement thereon (i.e. on the public thoroughfare) should be fined a *māsa*

754 *Aparāha* reads *cakram* for *vapram* which is explained by V R. as *anacurna* for pressing oil. Compare Br p 354 v 26

755 Read *aniruddha* for *aniruddho*. Compare Br p 354 v 27 who calls *catuspatha* by the name *sahasraṇa*

756 1a; I 34 defines *guru* as one who performs all the *sam skaras* of a man and imparts the Veda to him while an *adhyāp* is one who performs only the thread ceremony and teaches the Veda. About precedence on the road elaborate rules were laid down from ancient times. Vide Ap Dh 8 II 5 II 5-9. Gautama VI 21 22. Manus II 138-139 (the precedence is to be given to one in a wheeled carriage one very old one diseased one carrying a burden woman *śūnātaka*, king bridegroom). Read Dh 8 II 3 60. Vas 13 58-60 and Vanaparva 133 I. Most of these emphasize that a *śūnātaka* or a learned *brāhmaṇa* was to be given precedence over even the king and Vas 13 60 says that all should give precedence to a bride who is being taken in a procession.

757 For *māsa* vide verses 429 493 compare Manus IX 252 who prescribes a heavier fine (of two *kāṣṭhāpanas*) in the case of one who voids ordure on the *rājamārga* but Manus IX 283 makes an exception in the case of old men diseased men pregnant women and children when they do it of shame, they are to be only reproved and not fined. This verse is the same as Br p 354 v 26. Compare Kaat p 145 (text) for fines for throwing dust on the public road and for throwing ordure or urine on holy places, in water etc.

758-59 He who defiles a tank, a garden and holy waters (or *ghats*) with ordure, should be made to remove the filth and should be fined the first amercement. He who soils holy and purifying *irthas* (sacred waters or *ghats*) established (or constructed) by saintly persons should be fined the first amercement.

760-761 The fruits and flowers of those trees that grow on the boundary between two fields should be declared (by the king or judge) as joint between the owners of the two fields. But where the branches of trees growing in one man's field spread over another man's field, that man should be known as the owner (of the trees together with the branches) in whose field the trees grow (are born).

762-763 He who, without the permission of the owner, does repairs to a house garden or tank, does not get (even) his expense (from the owner) when the owner comes (from abroad) if (he made the repairs) without informing the king; but if he informs (the king) and is directed by the king (to do the repairs) he recovers the expenses made thereon (from the owner).

752 This refers to washing soiled clothes in holy water etc

760-761 If one owner alone takes all the fruits, he is liable to fine for taking half the fruits. Compare *hār* p. 157-158 vv. 13-14. It is possible to interpret 761 in another way. When the branches of trees growing in one man's field take root in the field of another (as in the case of banyan and similar trees) the branches that become fresh stocks belong to him in whose field the branches take root. But this construction is rather far fetched and restricted to a few special trees only. Vide 44 *Bom.* 603 about the right to cut over hanging trees and also 43 *Bom.* 164.

762-763 Compare *Yā;* II 157 which applies a similar rule to the construction of a dike or water-course in another's land. *hār* (p. 152 vv. 20-21) contains the same rule as *Yā;* about a dike.

764 (If the owner of a field lying fallow) cannot return through inability (i. e. through want of means) the expenses incurred (by an husbandman) for (turning) fallow land (into arable land) the actual tiller (who makes the expenses) would get all the produce of the field minus an eighth part, for eight years the actual tiller (who spends money) will enjoy the produce (in this way) after that (period) he should hand over the field to the owner

765-767 When the owner of a field is unable (to cultivate it) or is dead or is not heard of if a stranger cultivates the field without being prevented by anybody, that man (the stranger) shall enjoy the produce of the field. If the owner returns while the field is being tilled (by a stranger) he can get his field back after returning (to the stranger) all the money spent on turning the waste land (into arable) Till seven years have passed away (the stranger should enjoy the produce) with a deduction of the eighth part. But when the eighth year is finished the owner would get back his field that has been enjoyed (for years by a stranger)

(Abuse and defamation)

768 That is said to be harshness of words (i. e. abuse) when one makes the sound " hum " (before another) coughs (before him) or imitates or utters (before another) whatever is censurable according to popular notions.

764 Minus an eighth part - the eighth part goes to the owner as his due for his ownership

765-767 The first two are the same as Nār pp 159 160 vv 23-24. There would be conflict between 764 and 765 if samip e is taken to mean 'is reached'. If the owner returns - this includes the son of the owner', where the owner is dead or unheard of. Nār p 160 v 26 says that a field which has not been cultivated for one year becomes half waste that which is not cultivated for three years becomes waste and that which is not cultivated for five years is no better than a forest.

768 The sound 'hum' is a sound of defiance,

769 That (abuse) is known to be threefold since it may be either *niṣṭhura*, *as'ṭila*, or *tiṛa*. It is known to be *niṣṭhura* when there is reproach (in the words used), *as'ṭila* is what is styled *nyāṅga* (indecent), the wise call that *tiṛa* wherein there are charges (of acts) that make a man liable to expulsion from caste.

770 Those are known as *niṣṭhura* words when one reproaches another with the possession of constituents that are (generally) termed undesirable (or bad) whether they actually exist in him or not.

771 When a man through wrath reduces another to a humiliating position by words so far as his character, country, family and the like are concerned, that is known to be *as'ṭila* speech.

769 'Reproach'-one may reproach a man's country (e.g. saying to a Gauda that Gaudas are quarrelsome) caste (e.g. saying brāhmanas are very avaricious), family (e.g. members of the Viśvāmitra gotra are cruel) or one's profession or learning etc. 'Nyāṅga' means 'indecent'. Charging a man with drinking liquor or the like is *tiṛa*, as drinking was a *mahāpātaka* and would involve for a brāhmana expulsion from caste. This is the same as Nar. p. 207 v. 2. Vide B. p. 355 vv. 2 & 3 for the three kinds and for the statement that each of the three is in order worse than the preceding. The Tānḍya Mahabrahmana (14. 6. 6) contains an example of reproach (ākrośa as to caste) ब्रह्मणो निष्ठास्य ब्रह्मद्वारा न ब्रह्म वेत्ति/ब्रह्मजन्मस्य त्वं दुष्टश्च ईद. Vide Patañ. VI, 3. 21 and VIII. 1. 48 for *as'ṭila*.

770 Even when a man is cripple or blind to call him so to his face is abuse if a man is not blind, to call him so is also abuse. Vide Kant. p. 193 (text) and Manu VIII. 271. Compare exception one to sec. 499 of the Indian Penal Code where the mere truth of an imputation does not exonerate a man without more.

771 *Aparārka* and V. R. read 'nyāṅgaṅgadrānam' which means 'treating a man with utter contempt by pointing to one's lowest limbs (private parts etc.)'.

772 That speech is well known as *tivrā*, which connects a man with grave sins, which gives rise to friendship or hatred, or which charges a man (with acts that cause) loss of caste

773 That man is known to be abusive in speech (guilty of abuse) who through wrath enumerates faults in a man (who possesses the opposite virtues) or who declares a man who has no (good) qualities to be one who appreciates good qualities or who asks one man by an epithet applicable to another

774 That man is known to be guilty of abuse who recites for the sake of mere fault-finding faults in a man who (really) does not possess them or who points out the faults of one man while pretending to refer to another

775 (The king or judge) should prescribe half the fine (for him) who says what I said (in abuse) was said through ignorance, carelessness rivalry or familiarity, I shall not again say so

776-777 Where one man mentions another as *paṭita* (guilty of grave sin) in order that he may be avoided by others there he would not be guilty because he says so provided he establishes that sin (in the man whom he mentions as *paṭita*) Otherwise he would be as guilty (as the man whose faults he mentions) and if he falsely points out faults the fine (for him) is declared to be the highest

772 The great sins were five according to Manu XI 51 and Vas I 19 30 and Ysnu 35 Vide Ap Dh S I 7 21 7 11 Gautama XXI 1 3 Bṛhad Dh S II 1 40 11 for *paṭanīyāni* Viṣṇu (chapter 38) deals with acts that cause loss of caste (अपत्यम्)

775 Compare Kaṭ p 193 अथवापराधमिति

776-777 May be avoided —to have intercourse with a sinful man led to being equally guilty hence if one warned another about such a man there was no offence Compare exceptions 9 and 10 to section 499 of the Indian Penal Code Otherwise i.e. if he mentions the sins of another not for the purpose of warning others against contact with him Vide v 770 above and Nār p. 210 v 21

778 (The king) should with great concentration (application) establish the (guilt of the man) charged with abuse, the king should with great effort consider what he is informed of as false. Cutting of the tongue is (the proper) expiation (punishment) for those who are addicted to spreading false reports (about others)

(*Assault and battery*)

779 If (the king) is not able to find out the cause of assault by means of inference and the like then he should employ witnesses or ordeals

780 That man who strikes another with a fierce weapon though he may himself have been harassed, is declared to be liable to be punished

781 For cutting off the ear the lip the nose, the foot, the eye the tongue the penis the hand the punishment is the highest amercement and for causing injury (or wounding) to these, the middle amercement this is the view of Bhrgu

778 The V R explains that the punishment of cutting the tongue is meant for offenders who are not Brahmanas and it quotes a sutra of Harita about cutting of tongue. Compare अथ व ५ II 10 27 14 *सप्तमः प्रत्ययः वधिकारात्* Vide notes above on vv 479 480

779 Aparāhita explains 'employ ordeals which then stand in place of witnesses. But this seems farfetched. Vide Kay II 212 and Mit thereon. The oldest reference in Smṛiti literature to fines for assault is contained in the Taittiriya Samhitā II 6 10 2. Him who strikes a brāhmana he shall fine a thousand he who draws blood from a brāhmana shall not see the world of pṛthi etc.

780 Fierce weapon like a sword etc. One who is assaulted may exercise the right of private defence of body by striking in return but he must not exceed it. If clapped with the hand he cannot use a sword and cut off the man. Compare sections 100 and 101 of the Indian Penal Code. Vide Har p 208 v 9 and Br p 337 v 4

782 When man and beasts are struck with a view to cause them great pain the king should inflict fine in proportion to the pain caused

783 The punishment for untouchables gamblers slaves for mlecchas for persistent sinners and for those who are born of unions in the reverse order of castes is beating (whipping) and not in money

784 The fine should be raised to fourfold when a persons body is brought in contact with vomitted matter urine or ordure but (if thrown) on the middle of the body the fine would be sixfold and if on the head it is eightfold

785 When the hand is raised (to strike a man of the same caste) the fine is twelve panas the fine is declared to be double of that when the hand strikes persons of ones own caste

786 Just as in abuse punishments have been declared in accordance with the direct or inverse order of castes (of the guilty person) so also in assaults punishments should be awarded in the same manner

787 For injury to the organs of the body just as a fine should be prescribed by the king so also something must be given (by the offender) for appeasing (the person injured) and also for setting up (for curing him) as may be fixed by experts He (the offender) should pay (all) the expenses for setting the man up including the healing of the wound

782 This is Manu VIII 286

783 Unions etc vide Manu X 11 13 for offspring of unions in the reverse order Compare Nâr p 209 vv 11 12 and Bṛ p 359 v 15

784 Fourfold —fourfold of ten panas Yāj II 213 prescribes a fine of ten panas when ashes or mud is thrown at another This fine applies when these things are thrown at any part of the body except the head and the trunk

785 Compare Yāj II 215

786 Compare Gautama XII 1

787 Compare Man III 287 Yāj II 222 and Bṛ , 356 v 1

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794 If the preceptor were to strike through anger a pupil (with something) other than a creeper, whereby great pain is caused (to the pupil), the father (may in such a case) make a complaint (against the teacher) for the pupil (his son)

(Crimes of violence)

795 That is declared to be *sahas* which is an act done with force.

796 Robbing in the presence of guards, carrying away a thing by force—*sāhasa* is of this kind while (more) theft is said to be concealing (i.e. depriving a man stealthily)

797 Where an offence coming under the name 'sāhasa' has taken place without (leaving) indicatory signs (for fastening the guilt), the person (charged with *sāhasa*) must establish his innocence by oaths (and ordeals) This is the rule in all disputes

794 Gautama (II 49.50) lays down that the teacher was to regulate the pupil without beating him but if unable to do so, he might use a thin rope or piece of bamboo and that if he beat the pupil he was to be punished by *thakina*. Compare *Up Dh* 2 8 29.30 (who does not at all allow beating but only reproof, not giving food for some time &c.)

795 Compare *Nar* p 203 v 1 *Sahas* is derived by Nārada from 'sahas' meaning 'force'. The term *sāhasa* is used to denote violent deeds or heinous offences of every sort. *L* p 309 v 1 divides it into four kinds viz homicide, theft, assault on another's wife and *parasaya* (of two kinds)

796 Compare *Mānu* VIII 332 (where the word *anvaya* occurs), *Yāj* II 230 and *Lant* p 191 (text where also 'anvaya' occurs), 'anvaya' has been explained by the *Mit* as 'persons guarding the wealth, royal officials &c'

797 *Yāj*, (II, 240-281) lays down various circumstances and modes of ascertaining the offender in case of homicide vide *Bṛ* p 364 vv 34-36 for the same. Compare with this verse *Bṛ* p. 364 vv 37-38

788 As regards those offenders for whom reproof by words and beating (whipping) were declared (to be the punishment), they should be made to pay (the price of) what was carried away or injured by them, and those who are indigent should make up (the loss) by doing work (for the man who is to be recompensed)

789 That man, who makes asses, bullocks, buffaloes, camels and the like carry burdens at an improper time or when they are tired or oppressed with thirst or hunger, should be punished with the first amercement

790 For killing deer and birds (belonging to a person) and for killing snakes, cats, mongooses, dogs, pigs (kept by men) the fine is two panas and twelve panas respectively

791 He who makes a young cow, animals dedicated to Gods and a sacred bull carry burdens (or carts), should be fined the first amercement and the highest amercement if he kills them

792 On killing animals the (offender) should give (to the owner) another animal (of the same type) or its proper price, this is what Manu said

793 In the case of the destruction of all trees, the settled rule is that the fine must be in proportion to the usefulness of the (several kinds of) trees

789 Compare Dh. p. 709 v. 16

792 Manu (VIII 296-308) lays down various fines for killing valuable animals like elephants, horses and cows and less valuable animals like asses and goats &c. and VIII 288 lays down that he who causes mischief to the belongings of a man should satisfy that man and pay a fine to the king

793 This is Manu VIII 28a. Compare Visnu V 55-59 who prescribes the highest amercement for cutting trees the fruits of which are useful the middle one for cutting off trees the flowers alone of which are useful, 100 kārṣāṇas for cutting creepers and bushes and one kārṣāṇa for cutting grass and the offender had to pay compensation for the loss of the trees. Ya. II 228 prescribes double the ordinary fine for cutting trees near temples, cemeteries, boundaries

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802-803. He who is about to use his sword, poison or fire, he whose hand wields a drawn bow, who kills by the incantations contained in the Atharvaveda, who is a backbiter conveying to the king (information that would lead the king to harm a man), who assaults another's wife, who is bent upon finding out weak points in another (and striking him there)—all these and the like should be known as *ataṭayin*.

804. These wicked men who rob a man of his fame and his character, who deprive (one) of *dharma* and *artha* (are said to be *ataṭayins*), he who not being charged (or accused) before proceeds to take life or rob (a man) of his all or to commit similar offences is to be known as *ataṭayin*.

805. One who kills animals having (sharp) claws, horned animals, animals with fangs or tusks, and elephants and horses and other animals when all these are *ataṭayin*, does not incur any blame.

802-803 'Incantations &c.'—There are numerous hymns in the Atharvaveda which were employed against one's enemies e.g. I, 19, II 19, III 1 and 2 (which hymns are styled *mohanaṁ* in the Kāṇḍika sūtra), VII 103 &c. 'All these and the like'—this shows that the enumeration of *ataṭayins* here and in other texts is not exhaustive. Vas. III 16 mentions six kinds of *āṭatayins* (incendary, poisoner, one with a raised weapon, one who deprives of all property, one who abducts another's wife or robs him of his field). The word '*āṭatayin*' is applied to Rudra in the Vajasaneya saṁhitā 16 18 and in the Kathaka saṁhitā 17 13 and probably means there 'one who always goes about with his bow stretched'. Vide Vas. III 17, 18 which declare that there is no blame in killing even a learned brāhmana when he is an *ataṭayin*, also Baud. Dh. 8 I 10 13, Vishnu V 190-192, Manus VIII 350-51.

804 'Ākṣarita' means 'accused or charged'. Vide Manus VIII 354-355 for use of that word.

805 'Other animals': e birds that strike with their beaks. Wherever it is said that in killing an *āṭatayin* man or animal one incurs no blame, the meaning is that he is not liable to the punishment usually laid down for killing a man or animal.

798 If several men violently beat one man to death he out of them who gives the fatal blow is declared to be the murderer

799 One who is the author of the murder by (actually) killing (the deceased) would be liable to be killed in various ways. One should certainly kill without waiting for consideration a man coming with the intention of destroying (a life or a dam)

800 No blame attaches to him who kills wicked men that are ready (to kill another) but when they have desisted from their attempt (to kill) they should be captured and not killed.

801 If a man superior in austerities, Vedic study and birth becomes an Atatāyin (a desperate felon), killing him is not proper, killing is prescribed for a sinner of a lower class. This is the view of Bhṛgu.

798 This means that he is to suffer the full punishment for murder and the rest are to be awarded lesser punishments. Compare Br p 363 v 31 for the same idea.

799 Vide Yaj II 278, 283 (for various ways of carrying out the sentence of death) Br p 363 vv 29 30 17, 18

800 Compare sections 100 and 101 of the Indian Penal Code as to the right of private defence.

801 All are agreed that an *atātāyin* who is not a brāhmana may be killed outright without incurring any blame. But the minds of all writers of digests were exercised over the question whether a brāhmana *atātāyin* could be killed without incurring sin, since there are conflicting texts on the point. In this verse the reference in the first half is to a brāhmana who becomes an *atātāyin*. Manu IV 163 forbids the killing of one's teacher, parents, brāhmanas, cows &c. Kat probably refers to this verse of Manu when he speaks of Bhṛgu's view. But there is another verse of Manu (VIII 350) which permits the killing of even a *guru* or a brāhmana when he comes as an *atātāyin*. So there is a conflict between two verses of Manu. Vide Mit. on Yaj II 21 and my notes on V M pp 415-422 for an elaborate discussion of this topic.

802-803 He who is about to use his sword poison or fire, he whose hand wields a drawn bow, who kills by the incantations contained in the Atharvaveda, who is a backbiter conveying to the king (information that would lead the king to harm a man), who assaults another's wife, who is bent upon finding out weak points in another (and striking him there)—all these and the like should be known as *atātāyins*.

804 These wicked men who rob a man of his fame and his character, who deprive (one) of *dharma* and *artha* (are said to be *atātāyins*) he who not being charged (or accused) before proceeds to take life or rob (a man) of his all or to commit similar offences is to be known as *atātāyin*.

805 One who kills animals having (sharp) claws, horned animals, animals with fangs or tusks, and elephants and horses and other animals when all these are *atātāyins*, does not incur any blame.

802-803 'Incantations do'—There are numerous hymns in the Atharvaveda which were employed against one's enemies e.g. I 19, II 19 III 1 and 2 (which hymns are styled *ubhānā* in the Kauśika sūtra), VII 108 do. All these and the like—this shows that the enumeration of *atātāyins* here and in other texts is not exhaustive. Vas III 16 mentions six kinds of *atātāyins* (incendary, poisoner, one with a raised weapon, one who deprives of all property one who abducts another's wife or robs him of his field). The word '*atātāyin*' is applied to *Pudra* in the *Vājasaneyi saṁhitā* 16 18 and in the *Kāthaka saṁhitā* 17 12 and probably means there 'one who always goes about with his bow stretched'. Vide Vas III 17 18 which declares that there is no blame in killing even a learned *brāhmana* when he is an *atātāyin* also Band. Dh 8 I 10 12, Viśhnu V 100-102 Manu VIII 350-51.

804 '*Ākṣārita*' means 'accused or charged'. Vide Manu VIII 354 355 for use of that word.

805 'Other animals' i.e. birds that strike with their beaks. Wherever it is said that in killing an *atātāyin* man or animal one incurs no blame, the meaning is that he is not liable to the punishment usually laid down for killing a man or animal.

806 Even a brāhmaṇa deserves to be killed if he be guilty of causing abortion if he be a thief (of gold), or if he strikes a brāhmaṇa woman with a sharp weapon, or if he kills an innocent woman

807 That man who causes (slight) injury, breakage or total destruction of (valuable) articles would be liable to the first amercement and the owner of the article is entitled to get (another similar) article (or its price)

808 He who steals breaks or burns the idols of Gods or who causes damage to temples should be punished with the first amercement

809 He who causes a breach in a rampart wall or pulls it down or shatters it or obstructs the flow of water (running in a water channel) should be awarded the first amercement

806 There is a similar verse of Yāj (II 277 the Mitākṣarā interpretation of which differs from Viśvarūpa: who counts it as II 281)

807 This verse applies to mischief to valuable articles like crystal. Compare Manu IX 286 Vide Yāj II 223 for fines for mischief to articles of small value

808 Manu IX 285 prescribes a fine of 500 for breaking *pratimas* (which Kuṭinka explains were made of clay to and so were of an inferior kind) while Viṣṇu V 174 prescribes the highest amercement for a breaker of images and Śaṅkha-Likhita prescribe a fine of eight hundred for the same offence मन्त्रिभारामय मन्त्रिभारामय मन्त्रिभारामय च (quoted in V R p 364) These various fines were due to the superiority and value or inferiority of the images

809 Vide Manu IX 289 who prescribes the punishment of banishment for one who causes a breach in the city wall.

(Theft)

810 Depriving a man of his wealth either clandestinely or openly and either by night or by day is known to be theft

811 (The king) should carefully examine property (alleged to be) stolen (to see) whether the article passed to the hands (of the alleged thief) from another's hand or whether he took it up without any intention (of stealing) when it lay on the ground (unclaimed) or whether he actually lifted it away as a thief

812 (Where a trader) deals (with his customers) by means of balances measures (of corn) and measures of capacity that are imitations or substitutes for true ones or not so should be fined the first amercement

810 Compare Nār p 204 v 12 Āp Dh S I 9 25 11 quotes a verse which mentions theft, drinking, incest and killing of a brahmana as very heavy sins and Āp Dh S I 9 25 4 11 prescribes various *prāyaścittas* (penances) for theft. The Tait. Sam. IV 1 10 3 speaks of thieves (stealing secretly), *tasṭakas* (stealing openly) and *malimūṣas* (robbers and dacoits). Vide Vāj. Sam. VI 77-79 for the same. Even in the R̥gveda *tasṭakas* figure very often (vide I 191 5 X 4 6).

811 Compare Nār p 23 v 71 where he says that liars may have the appearance of honest men and *vice versa*.

812 Compare Yaj. II 244. Or not so, i.e. that are not false imitations of true weights. Manu (VIII 256) divides thieves (*tasṭakas*) into open (*prakāśa*) and clandestine (*aparakāśa*) and instances traders dealing in merchandise as open thieves and those who hide themselves in forests as clandestine ones. Vide Manu VIII 258 260 Nār p 223 vs 1 5 for other examples of the two kinds. This verse deals with traders who use false balances or measures or who use clods of earth as weights and deceive people or those who without using false or wrong weights do deceive people. Viṣṇu V 122 prescribes highest amercement for forging balance or measure. Compare Nār p 273 v 3 and Yaj. II 244. Kaṭṭh p 103 (II 19) has a chapter on the superintendent of weights and measures. Śākhya Likhita as quoted in V R p 298 say कृतकमान प्रमाणानव्यवहारे शत्रुताङ्ग-दद्यात्

813-814 What is stolen from the houses in a village, (the king) should make the thief-catchers pay it (to the owners). He should make the guarding officers and wardens of the country (pay the price of stolen articles) if the thief be not found. The property stolen in the village should be restored (or its value be paid) by the headman of the village, in case (the theft took place) in a forest the king must restore (stolen property or its price), but if it took place in a place other than a forest, then it must be restored by the officer appointed to catch thieves.

815-817 Whatever is stolen from any person in one's kingdom must be restored by the king; the king should search for the thing lost and if found (after he pays the price to the owner) he should retain (the article) himself. (The king) should restore with efforts the thing itself that is stolen by thieves in the absence of the thing the price (thereof) should be paid by the king, otherwise the king incurs sin. Even when the thief be caught, if the article stolen be not recovered from him, (the king) should restore the thing (himself) or he should make the thief pay according to his (the king's) pleasure.

813-814 Thief-catchers' - officers appointed to trace and catch thieves. 'Ārakṣaka' is explained by V R as 'one appointed to guard a village' and the V O paraphrases it by a vernacular word 'kotāla' (which seems to be the same as the modern Kotwal). 'Dikpālā' is paraphrased as 'de apāl'. In the inscription of Dhara-sena II of 'Vatsabhi' (Ind Ant vol 15 p 167) among several officers we have a 'cauroddharanika' in the inscription of Nārāyaṇpāla (Ind Ant vol 15 p 304) we have in a long list 'cauroddharanika', 'kottāpālā' (who is the same as modern 'kotwal') and 'viśayapālā', in Harshad plate of Jayana III dated Śaka 880 (258 A D) we have 'rāstrapālā', 'viśayapālā', 'grāmakūla' etc. (1 pl Ind vol IV p 278 283). 'Viśita' means 'land reserved for grass, forest'. Compare Ap Db 8 II 10 26 4-8 Gautama X 45-47 (for the king's liability to restore) Yāj II 271, Nār p. 225 v 17.

815-817 Compare Viśnu III 65-66 with 816. The V R seems to explain the last half of 817 as 'the king should hand over the thief to the owner or should himself pay for the price of the thing stolen'.

818-819 When thieves are being made to restore (articles alleged to be stolen) if there be a doubt as to the offence, the person who was robbed should be made to take oath; or he should establish (his allegation of stolen articles) by (the evidence of) his relatives. Where the owner recovers a portion of his stolen property from a certain person, he (the owner) should recover the rest from the same man, if he (the owner) establishes (the loss of all the articles alleged).

820 Those who are traitors (or cause destruction of) to their country and those who are highway robbers should be deprived (by the king) of their all and should be ordered to be impaled on a stake.

821 If those who are intent on (: s whose duty it is to) tracing thieves were to make one who is not the real thief to restore (or pay the price of) the thing stolen the persons so compelled would get back what they had to pay when (the real thief) was found and (the king) should make (the officers guilty of harnessing the innocent man) pay (to the latter) double (of the price).

818-819 It is better to read 'muse' for 'dogs' with V It and then the meaning will be 'if there be a doubt about what things were actually stolen, "relatives"—this is only illustrative, it means that he should prove the articles stolen on the testimony of reliable witnesses, 'pratyaye krto' may also mean 'if the owner undergoes an ordeal or takes oath as to the articles stolen'. With 819 compare 319 above and Yāj II 20 and Viṣṇu VI 22.

820 Compare Br p 151 v, 17. If thieves roving in one country cause loss in another country, the king was not to visit them with this punishment. Note 537 above.

821 Compare Nār p 226 v 20.

822 The king should cut off that limb of a robber with which he causes loss to another, so that he will not do so again

822 A If a person takes two cucumbers, or two melons, five mangoes or five pomegranate fruits and a handful of oats or jujubes (from another's land or trees) he does not incur blame

823 : The Mānavas (school of Manu) declare that those (thieves) who are caught (red handed) with booty should be at once banished (from the kingdom) but this (punishment) is not approved of by Gautamas (the school of Gautama) since it is censured owing to the destruction (or reduction) of people (in the country)

822 It is possible to understand this verse to mean 'cut off that limb of a robber who causes injury to a similar limb of another (in committing a robbery) Compare Manu. IX. 276-277 and VIII 334, Yaj II 274 Nar p 228 v 34

822 A. Compare Manu VIII 339 (taking grass for one's cows roots and flowers of forest plants or wood for sacrificial fire from another's land was no theft) and 341 (a traveller of the three higher castes short of food was allowed to take two sugarcanes and two roots from another's field) Vide Gautama XII 25 Ap I 10 28 3 Yaj II 166 and Nar p 219 v 37 Compare the maxim 'de minimis non curat lex' and see 95 of the Indian Penal Code

823 Compare Manu IX 270 The V R and V O explain that these verses (823 825) apply to brāhmana offenders Manu VIII 340 prescribes banishment for a brāhmana offender, whatever his crime may be and forbids the sentence of death. Verse 823 prescribes banishment for a brāhmana who is learned

824-825 The king, after catching (a brāhmana) thief and proclaiming (publicly) the signs of his guilt, whether he be caught with booty or not, provided his heinous crime is established as a fact should deprive him of all his wealth (The brāhmana thieves) who are very strong being guarded with iron fetters, fed on meagre food, should do (hard) labour for the king till their death (this is the view of Kaṁḍika)

826 When a foreigner steals property from another country (and brings it into a country where he is sojourning), the king (of the latter country) should deprive him of that property and should let him off without punishment

827 Those who supply food to thieves those who give them fire and water, those who purchase (stolen) goods from them and receive (stolen) property from them and those who hide them - these are all declared to be liable to the same punishment (as the thieves themselves)

834 Read 'praghyā anubamāc' 834 applies to brāhmana possessed of wealth but not learned 835 applies to a brāhmana offender who is neither learned nor rich. In the case of theft Gautama (XII 12-13) prescribed for the śūdra offender a fine eight times as much as the price of the article stolen while a vāṇija kṣatriya and brāhmana were respectively liable to pay 15 32 64 times as much as the price Vide Manu VIII 337-338 for the same rule

837 Abettors of thieves and receivers of stolen property were dealt with like thieves from ancient times Compare Oṅkara XII 46-47, Āp Dh 8 I 9 23 5 and II 11 20 1 Manu, IV 271 and 278 (who employ the word bhaktadīyaka) Yāj II 276 (who use the words 'bhakta', 'agun', and 'udaka') Nār, p 25 vv 14-15 Compare sec 212 (harbouring an offender) and 411 (receiving stolen property) of the Indian Penal Code

828 Where one who is not learned officiates as a priest at a sacrifice and where one who is not himself firmly grounded (in any *śāstra*) sets up as a propounder of it, the king should punish both with the punishment for a thief and should make them abide by the (proper) path

(*Adultery*)

829 Adultery is said to be ninefold viz when it is accompanied by the employment of a go between, being together at an improper time and place, falling on a woman's neck or seizing her hair or the border of her *sari* (or gown), seizing a woman by the ear, nose or hand, sitting or taking food with her on the same seat

830 When a man has forcibly had sexual intercourse with a woman capital punishment is to be inflicted in that case (by the king) since it is a violation of (good) conduct

828 Yāj II 202 says that a brāhmana who is devoid of learning and austerities should not accept a gift Vide also Manu III 168

829 Compare Manu VIII 357, Yāj II 283-284 Nar 1 173 vv 65-67 and Dg pp 335 356 vv 8-8 These nine (and there also) are the indications by which adultery is to be inferred

830 There is great difference of opinion as to the circumstances in which this verse applies The V M says it applies to the rape of a woman of the same caste by a kṣatriya or a person of an *anuloma* or *preṣṭhena* union. The Vir p. 504 says it applies to an offender who is possessed of no merit while the Sm C says it applies to rape of a woman who is the wife of a man of no merit. The punishment for adultery and rape varied according to the caste of the male and the woman, was also different for men and women and also varied according as the woman was a maiden or w

831 An unchaste woman who, being under the influence of lust herself amorously approaches a man should be released by the king's order after being proclaimed (as unchaste) in the presence of people

832-834 He who commences (a *sāhasa*), who is a friend (or helper) who gives advice as to the method (in which a *sāhasa* is to be carried out), who gives refuge or asylum (to the offender), or supplies weapons who gives food to wrongdoers, who incites (the offender) to fight

831 If a woman was guilty of adultery with a person of a lower caste, she was to be devoured by dogs and the paramour was to be killed. Vide Gautama 23 14-16 (this was the punishment in case no *prayasaitia* was performed) and Manu VIII 371-372, Yastha (XXI 1-5) prescribes that if a *sūdra* commits adultery with a *brāhmana* woman, he was to be thrown into fire, the woman was to be shaved made to sit naked on a dark donkey and sent to perish in the mountains and that any male of a lower caste guilty of adultery with a woman of higher caste was to be dealt with similarly, vide also Manu VIII 359 *Āp Dh S II* 10 26 20 21 prescribed the penalty of cutting of the testicles and the penis for the male in adultery with a married woman but when the woman was a maiden the paramour was to be deprived of all his wealth. A man of a higher caste guilty of adultery with a *sūdra* married woman was to be banished while a *sūdra* male guilty of adultery with a married woman of a higher caste was to be killed, when he was appointed to guard her. Vide *Āp Dh S II* 20 27 8-9 and Gautama XII 2 3. Some writers somewhat softened these severe sentences. Ya; II 285 prescribed for a male for adultery with a woman of the same caste highest amercement with woman of a lower caste the middle one with a woman of a higher caste death and cutting of the ear for the woman. Compare Manu VIII 378. Vide v 487 above for lesser fine for women.

832-834 It is better to read *yadvopadesakam* with the Saras. read— *vaktānu—*, 'destruction &c — by poison &c', 'who conspires — this applies to a man who though not able himself to

or who urges (the offender) for the destruction of the person (killed &c) who connives at (the commission of an offence) though not related (to the offender) who exposes the faults (of the person killed or harassed) who approves (of the offence) who though able does not forbid (or prevent) the commission of it—all these are (as good as) perpetrators of the deed (the offence) . (The king) should prescribe punishment for these according to their ability and according to their offence

(*The duties of husband and wife*)

813 (A wife) never remaining apart from her husband, being disciplined (or well conducted) and devoted to her husband should serve (sacrificial) fire with the desire of securing freedom from widowhood and possession of happiness and love

816 A wife obtains all desired objects only by ministering to her husband. When she comes back on this earth from heaven, she becomes the receptacle of all happiness

prevent the offence or not inform others of it so that they may help in preventing it. If we take *ayukta* to mean 'not appointed by the king' as V 1 does then it would have to be connected with 'dosa-rakṣa'. Vide verse 82^o above and compare Yaj II 231, Pr p 384 v 32 and Ap Dī Ś II 11 29 f.

833 'Fire'—there were three fires (*gṛhapatya*, *śrāvanīya*, and *dakṣiṇagni*) required in Vedic sacrifices and the *ghṛya* rites were performed in domestic fire. *Saṁhārya* means 'the husband's affection and happiness'. Manu (IX 1-102) dilates upon this topic.

836 Compare Manu V 143 160 166 Yaj I 87. The idea is that he devoted to her husband she accumulates merit and goes to heaven and that when that merit is exhausted she returns to the earth but is endowed with all happiness. This is the doctrine of the Upanishads (vide Chāndogya Up V 10 1-7 and Vedāntasūtra III 1 13).

837 That chaste woman who after her husband's death abides by the vow of celibacy being in her conduct like Arundhati, is honoured in the world of Brahma

(Partition of heritage)

838 That is declared to be a just (or lawful) division where the fathers and brothers divide the whole (common) property (whatever) in equal shares

839 Property of the grandfather is of equal ownership between both the father and his sons but the son is not entitled to ownership over what is acquired by the father himself

837 Arundhati the wife of Vasistha is the highest type of conjugal fidelity and the star of Arundhati in the Great Bear is shown to the newly married bride Vide *Īśvalayana gṛhya* I 7 22 Compare *Viṣṇu* 25 14 who prescribes *brahmacharya* or *anvārohana* (being a *śati*) and also 23 17 Bṛ p 369 v 10 *Manu* V 159 180 The *Sm C* III p 537 quotes a verse of *Angiras* दृढमनसो नारी समारोहेदुत शनम् । साह धत्त समाचारं स्वमते के महीयत ॥

838 It is better to read *pitarau* for *pitarab* with the *Var* The parents and their sons when coming to a partition of joint family property take each the same share Brothers means sons of the father with whom a partition is made Compare Bṛ p 370 v 2 When the sons came to a partition during the father's lifetime or after his death the mother was entitled to a share equal to that of a son Vide *Yāj* II 115 *Nar* p 192 v 1^o

839 This verse embodies the central conception of the *Mitākṣarā* school as to the equal ownership of father and sons in ancestral property Compare *Yāj* I* 121 *Viṣṇu* 17 3 Bṛ p 370 v 3 The *Mit* on *Yāj* II 121 explains that verses like *Yāj* II 114 *Nar* p 191 v 12 Bṛ p 370 v 4 (which allow the father to make an unequal distribution among his sons) refer to the father's self-acquired property *Viṣṇu* I 1 explicitly states this The text of Bṛ p 189 v 1 is quoted in *I J R* 10 *Bom* 528 at p 547 and *Yāj* II 114 is quoted by *Teling J* in *I J R* 16 *Bom* at p. 45 and spoken of as a general and notorious principle

840 The grandfather's property, the father's property and whatever else is acquired by themselves (with joint efforts)—all these are divided when there is a partition between coheirs (or copartners)

841 A house, fields, cattle and similar visible (effects or estate) should be divided, if there is a suspicion that (certain joint property) is concealed, an ordeal is prescribed (in that case)

842 Household utensils, beasts of burden, milch cattle, ornaments and slaves—these visible effects are divided. Bhṛgu declared the *kośa* (ordeal) when (there was a doubt whether certain joint property) was concealed

843 In a partition while the father is living, the father should not make a distinction between one son (and other

840 'Whatever else is acquired—this refers to property acquired with the help of ancestral or joint property since what is acquired by a coheir without using joint funds would be his self-acquisition. This verse is quoted in *Ponappa Pallaṭṭu v Pappusay-pangar* 4 Mad. 1, at p. 49

841 Vide verse 415 above which prescribes the *kośa* ordeal in disputes about partition

842 Aparāṅka says that the *kośa* ordeal is only illustrative but the words of Kāt. in 415 appear to forbid other ordeals. Compare Br. गृहपत्यस्य दण्डोद्योगस्य नैव । दृश्यमानं विपश्यते नृः कोऽपि विवाद्यते ॥ (quoted in Sm. C. III p. 636)

843, 'Should not make a distinction—by giving a larger share to one son as compared to the shares given to other sons 'suddenly'—through wrath against other sons or extreme affection for one son, 'without cause'—if there be no causes for disinheriting him such as 'pātilya' &c. Kāt. (p. 161 text) has these very words 'लीलदिमणि विद्या नैव विवेचयेत् । न चैवमन्यादानं नमश्चेत् । Even the R̥gveda

sons) nor should he suddenly deprive a son of his share without any cause

844 Partition is ordained among (coparceners) who have attained (years of) understanding of worldly affairs and in the case of men they attain understanding of affairs at the sixteenth year

845 The property (share in the joint estate) of those who have not attained years of discretion, being made free from expenses should be kept (by the other coheirs) with their (the minors) relatives and friends the same should be done (to the shares) of those who have gone abroad

845 A All (coheirs) should protect the share of the (coheir) who has gone abroad and his share of the ancestral

(I. 70 10) appears to refer to the practice of the division of property during the lifetime of the father (when old). Vide Band Dh S II. 2 8 and Yaj II 114 Śaṅkha-Likhita ('जीर्णं वा विद्धि विप्रयोगोऽनुमतं प्रवयं वा विप्रो वा यत्नं' quoted in V R p 463) Nar p 191 v 4 for distribution during father's lifetime

844 Compare Kant p 161 (text. मातृव्यवहाराणि विभाग and p 164 'मातृव्य' की मातृव्यवहारा अति वास्तव्य गुणः) Nar p 61 v 35 says that a man is a minor till he attains the 16th year There is a controversy among commentators whether minority ended at the beginning of the 16th year or at the end Many hold the former view but the V R (p 599) holds that minority ends with the end of the 16th year

845 Compare Kant p 161 (मातृव्यवहाराणि देवदत्तुः मातृव्यः मातृव्यः वा मातृव्येयुर्ध्वमातृव्यः प्रवयं वा) Gentama X. 4^a Band Dh, S II 2, 37 (मातृव्यवहाराणां तद् भवेत्तदाऽनुमतं मातृव्यवहाराणां च) Manu VIII 27 Visnu III 65 and Vas 16 7-8 cast upon the king the duty of protecting minors estate 'free from expenses i. e. after deducting all the debts and charges due from the family for which the minor members share would be liable

845 A. According to *Pārada* (p 51 v 33) *praja* is meant a minor who has not attained the 16th year Manu VIII 149 appears to use it in the same sense But Amarasinha explains it as

estate should be guarded by the relatives, if his sons are minor or if he be dead. After him his minor (sons) should partition the wealth according to their shares.

846 All persons entitled to the ancestral wealth must pay at the time of partition all the debts incurred by the brother, paternal uncle or mother for the purpose of the family.

847 Those debts should be paid to the creditor which are established by proof (by the creditor) after a dispute is raised about them, and (the king or judge) should not cause debts (contracted by one) to be paid (by the other members) otherwise.

848 What is (promised by the father) for a religious and charitable purpose, what is promised (by the father) out of affection and that debt (of the father) which the father has specially enjoined (upon sons to pay) — these debts when found should be divided by the sons, there can be no payment out of the paternal wealth (of any other debt).

'one who has a crippled limb or one who is devoid of a limb' Kāt follows Nārada and Māna. 'His minor sons — we have to understand that they should do so after attaining majority.

846 Compare Yāj II 117 Nār p 197 v 32

847 'Those debts' — i.e. those contracted by the brother paternal uncle &c

848 This verse is variously explained. Most writers connect 'when found with debt, but the V M takes it separately meaning 'visible wealth and debts should be divided'. 'Svamiyopitam' is explained by V M as 'what is incurred by the father himself'. Vide verse 506 above. As to gift through affection, vide Yāj II 123 (first half).

849-50 In a partition with coparceners one should discharge a debt that was incurred by the father a debt that was incurred for paying off the father's debt one's own debt incurred by another (for one's family) and a debt incurred by one's self. After paying off (the father's) debt and (his) gifts through affection the rest (of the property) should be divided

851 The father gets two shares or half from the wealth acquired by the son when the father is dead the mother also gets a share equal to that of a son

852 The wise should so arrange the extent of shares (among dividing heirs) that the wealth obtained by partition may more and more be employed for purposes of sacrifice

849-50 It is better to read sambuddham for samsuddham Compare Nār p 187 v 32 Manu VIII 166 These two verses are quoted in *Penappa Pullai v Ponnarayanagar* 4 Mad 1 at p 49

851 The first half is interpreted according to the Dāyabhaga, which gives two interpretations If the son acquires wealth with the help of ancestral funds then the father gets half of it the son who earned it gets two shares and the other sons one share each if the son acquired wealth without the help of ancestral funds then the father and the son who acquires each get two shares and the other sons get no share The other interpretation is that no wealth acquired by the son the father gets half if the father is possessed of learning &c and if he is not so he gets two shares The Vir pp 566 567 severely criticises the Dāyabhaga and interprets it to mean the father because he acquires the wealth and begets the son should take two shares (in property acquired by himself) or half of it Compare Nār p 191 v 12 with this verse V de Br p 30 v 5 for two shares for the father Compare Yaj II 123 (latter half) and Viṣṇu 18 34 with the latter half

853 A single (coparcener) has not in every day life the absolute power to make even a partition of ancestral estate. One can only enjoy (the ancestral estate), but one cannot (by himself) make a gift or sale of it

854 Cohairs whether they be separated or unseparated, are equal as to immoveable property, for a single one (out of them) has no power to make a gift, mortgage or sale

852 853 In I L. R. 33 All 118 at p. 121 it was said that the text of Yāj giving a share to the mother implies an actual division of the family property and that a mere co-ownership of interests did not confer on the mother a right to a share equal to that of a son. Vide I L. R. 50 All 532 at p. 534. The primary idea is that wealth is intended for performing sacrifices. Therefore a larger share should be given to that one among brothers who by his learning and conduct is expected to spend much of his share on sacrifices. Vide the verse 'वस्य विद्वत् विभक्त्या हि विभक्त्येव ॥ स्वानु धर्मजुषु न वामूर्खविभक्तिः' The Mit. (on Yāj II 135) however does not accept that this verse represents the correct position. Kat seems to favour the views contained in that verse. Vide Br. p. 371 v. 10 for a similar proposition. *The absolute power of disposal of the ancestral estate — this means that a single coparcener cannot without the consent of the others make a division by moles and bounds of ancestral estate.

854 This verse is variously explained. The Mit. (on Yāj II 114) says that in a state of union a single member cannot enter in to a transaction of sale &c. without the consent of the others but that after partition the member can sell the property that has fallen to his share but the consent of the other coheirs should be taken for dispelling all doubts about the seller having been separated and for effecting transactions with ease. The Sm. C. and Madanaratna say that where immoveable property has not been divided but only moveables were divided and it was agreed that only the produce of the immoveable property was to be divided, the immoveable property cannot be sold without the consent of the others. The Dayabhāga explains that this verse prohibiting alienation even after partition simply indicates that if a vicious man sells his property so as to ruin his family he incurs sin but that this verse does not mean that the sale (of the property fallen to his share) is invalid. Vide Dy. p. 384 v. 93 for practically the same verse.

855-856 If an undivided younger brother dies (the other brothers) should make his son take a share of the inheritance if he has not obtained from his grandfather a livelihood (i.e. a share), he should obtain from his uncle or his uncle's son the share which his father would have got. That very share would be the legal share of all the brothers (who are sons of the man dying). Or even a son (of that son of the brother dying) would obtain (that share), beyond (this last) there is a cessation (of succession to that share).

857 When a son of the body is born, (other kinds of) sons take only a fourth share if of the same caste (as

855-856 'Younger brother'—this is only illustrative and applies to even an older brother, 'the share which his father do'—that is, the division is to be through the father, as laid down by Yāj II, 120 (latter half), 'beyond this last there is cessation': i.e. the 4th in descent from the propositus would not get a share, if there are sons, grand-sons or great-grandsons of the propositus alive. Vide for full explanation my notes to V M pp. 147-149. Suppose A has two undivided sons B and C. B dies undivided leaving a son D and then A dies. This verse declares that D though alone will get on a partition his father's half share from C or C's sons even if they are many. If D dies without claiming a partition and leaves a son E, the latter will get one-half of the property of A. If B, D, E all die in the life-time of A without claiming partition and E leaves a son F and C or his sons or grandsons are living then F will not be entitled to claim a share from C. When A dies F is the fourth from the propositus A. These verses are quoted in *Dehī Peralāḍ v Thakur Dāt* I L R 1 All 105 (F B.) at p. 111. Vide *Moro v Caneś* 10 Bom H C R 414 for a lucid exposition of these verses and Davala's text (at pp. 461, 466-467).

857 Yāj II 128-132 enumerates 12 sons, aurasa, putrikā putra, kṣetrāja gūdhaja, kārīna paunarbhava, dattaka, kṛtā kṛtina, svayam-dattā, sahodhaja, and apavidhā. Manu IX,

the owners) but (other kinds of) sons who are not of the same caste (as the owner) are entitled to receive only food and raiment.

858 A fourth share of the family estate is desired for daughters who have not been given away in marriage (at the time of partition), while three parts (of the family estate) go to the sons, but if the (family) property be small they (sons and unmarried daughters) share equally

859 When a person begets a fruit (a son) with the consent of the owner of the field (husband of the wife) both

858 Compare Manu IX 118 and Yāj II 124 (both of whom prescribe a fourth share) The fourth share is not one-fourth of the whole estate but, as the Mit explains, one-fourth of what the unmarried daughter would have got if she had been a son of the same class as herself Vide my notes to V 31 pp 157-158 for further explanation The Dayabhāga, V B and V C explain that *ṛjth* is only illustrative and means 'she is entitled to a proper provision for her marriage expenses' Compare Viṣṇu 15 31 'भर्तृहारावित्तानुरूपेण भरत्तार कुर्वाद्', Kant p 161 कन्याभ्यश्च प्रदानिक' and Śaṅkha — Likhita विमत्समाने दादेभ्य स्वर्त्वालङ्कार वैवाहिकं स्त्रीपुत्र च इत्याद्यप्ये' (quoted in *रि* १ p 495) Vide *Bhagavata Shukla v Nam Jahan* I L R 45 All 297 (at p 399) where it was held that 'the quarter share in the Sanskrit texts means as much money as will suffice for marriage expenses, that the provision of a dowry for a daughter was a legal necessity and that where the daughter was a cripple and blind and all the property was worth Rs 500 an alienation of the whole of it by the widowed mother for raising a dowry for the daughter was justifiable

859 This verse refers to a topic that very much exercised the minds of ancient sages In ancient times there was the practice of *niyuga*, whereby a son was begotten under certain circumstances by one man on the wife of another (e g vide Gautama 18 4-8 and Manu IX 59-62) Just as a fruit grows on land (*ḷṣṭra*) and seed (*bija*) is required for the production of fruit, so the wife is compared to the land (and spoken of as *kṣṭra*) The question arose to whom the son produced under *niyuga* belonged Manu (IX 59-63) seems to suggest that when there was an agreement that the son produced

the owners } but (other kinds of) sons who are not of the same caste (as the owner) are entitled to receive only food and raiment.

158-160 enumerates twelve sons, 11 of which are the same as those of Yāj, but the *śūdra* (son of a brāhmana from a *śūdra* wife) mentioned by Manu as 12th is omitted by Yāj and the *putrikāputra* enumerated by Yāj is separately mentioned by Manu (IX 136). It is therefore that Br (p 375 v 33) says that Manu enumerated thirteen sons. Manu says that six out of the twelve (*viz aurasa kṣetrāja, dattā, kṛtrima, gudhotpanna* and *apavidhā*) are partakers of wealth and also *bāndhava* (i.e. they can offer *pūjā* &c.) while the other six are *bāndhava*s but not *dāyāda*s (i.e. they do not take the estate). Vide *Viṣṇu* 16 1-23 for 12 sons and *Gautama* 28 30-31. The *Mit.* explains that 'of the same caste' means that they must be sons of the *dattaka*, or *kṣetrāja* sort or the like and the words 'not of the same caste' mean sons who are *kṛtrima, gudhaja, saholha*, and *punnarbhava*. Vas 15 9 says that if after a son is adopted, a son of the body is born to the adopter, the adopted son takes a fourth share. *Gautama* 28 33 says generally 'अपुत्रादिना अत्तमादा' Kant (p 184) has a passage closely agreeing with *Kāt.* 'जीरा पुत्र मरणान्तरादत्त, अग्रेण मरणान्तरात्मादिन'. The *Kalpatera Dāyabhāga* and V. C. read 'अपुत्रादिना' in the text of *Kāt.* In Bengal the adopted son takes $\frac{1}{4}$ of the estate in such circumstances and in Benares $\frac{1}{2}$. In I. L. R. 43 Mad 398 (at p 402) the texts of *Kāt.*, *Vat.* and *Baudhāyana* (9 B. E. vol 14 p 336) about the $\frac{1}{4}$ share were referred to and it was held that in a suit by the father and *aurasa* son for partition against a son previously adopted the adopted son takes $\frac{1}{4}$ th of the estate and the father and *aurasa* son take one fourth each. This means that the $\frac{1}{4}$ th share is not $\frac{1}{4}$ th of the whole but $\frac{1}{4}$ th of what the *aurasa* son takes. In I. L. R. 11 Bom 100 and 42 Bom 672 it was held that this rule about shares applied even to *śūdras*. In *Vagvelas v. Barchas* I. R. 43 I. A. 36 (= 40 Bom. 270) it was held that this rule applies only to the adopted son and subsequently born *aurasa* son of the same father and not to the *aurasa* son of one brother and the adopted son of another brother when they are joint. In I. R. 48 I. A. p. 240 (= 44 Mad 656) it was held that in Madras and Bengal the adopted and subsequently born *aurasa* sons of *śūdras* shared equally.

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of them are entitled to the fruit (the son), since a fruit is not produced in the absence of one (of the two)

860 A son born of a woman who leaves an impotent husband and secures another husband is called *paunarbbhava* and he clearly belongs to the begetter

861 That man is said to be impotent whose urine has no froth whose faeces (when voided) in water sink (to the bottom) and whose generative organ is devoid of erection and semen

under *nyoga* was to belong to both the husband of the woman and the begetter, he belonged to both and if there was no agreement then he belonged to the husband of the woman (the *kṣatrika*) *Āpastamba* (Dh S II 8 13 5-6) relying on a brāhmana passage and certain Vedic gāthās held that the son belonged to the begetter *Vas* 17 63 seems to refer to the same view *Gautama* 18 9 14 refer to several views on the point. Though the *Manusmṛti* (IX 64 65) severely condemns *nyoga* *Yāj* I 68 69 *Nār* p 181 vv 80-84, *Kaṭ* p 162 as also *Gautama* (18 4 8) *Vas* 17 56 57 and 66 appear to have countenanced it, *Br* (p 369 vv 12-13) condemns it *Śaṅkha-Likhita* (as quoted in *V R* pp 581 and 557, first state the view that the son belongs to the husband of the woman and then state the views of *Āngirasa* and *Uśana*s *शिवत् सौत्रिणामपत्यमिति च देवदत्* 'he and ' *शारङ्गध्वजश्चैवैवाहिरसो वानिनादवचोरुमुत तद् वाच प्रकीर्त्यते वद्विषा उत्समिद्युगता ।* *Vide* *Nār* p 176 v 58 and *Baud* 'Dh S II 2 17 (S B E vol 14 p 226) for the same idea as in this verse

860 '*Paunarbbhava* -- born of a *paunarbbhū* (woman twice married) *Nār* (pp 174 175 vv 45-46) speaks of three kinds of *paunarbbhū*. Compare *Manu* IX. 175 (for *paunarbbhava*) and 176 *Yāj* II 130 *Viṣṇu* 15 7 9 *Vas* 17 20

861 *Vide* *Nār* pp 166-168 for the signs of a potent man and for 14 kinds of impotent men. Compare with this verse *Nār* p 167 v 10 and *Kaṭ* p 193 *श्रीमान्ने शिव मूत्रकेनप्यु विहनिमयन च* 'which means 'as to impotency women froth of urine and the sinking of the faeces in water (are the means of judging)

862 The son of a woman married out of her order, one who is born of a husband of the same *gotra* (as that in which the woman was born) and one who is an apostate from the order of ascetics do not obtain the inheritance.

863-64 But the son of a woman married in the wrong order takes the ancestral wealth, when he is of the same class as his father and the son of a woman who is not of the

862 The word *akramodhātuh* is interpreted in two ways. Most interpret it as follows: a person was first to marry a girl of his own caste but he could marry a girl of any of the three castes lower than his own. Vide Manu III 12 'If a brāhmana married a girl of the Kṣatriya caste first and then a brāhmana girl both became *akramodha* (married in the wrong order). In such a case the son of the Kṣatriya girl from the brāhmana would not be entitled to a share of his father's estate but the son of the brāhmana wife would take the wealth as said in the next verse. The other interpretation given by the Vyavahāramayukha is when a younger brother (or sister) was married before an elder brother (or sister), the former was called *parivitta* and the latter *parivitta* or *parivṛtta* and such a procedure was called *parivṛtana* which was declared very sinful. Vide Manu III 1:2 and Bṛhad Dh 8 II 1:39. This verse declares according to V. M. that the son of a younger sister married before her elder sister and the son of an elder sister married after a younger one were both excluded from inheritance to their fathers respectively. A *śogotra* marriage was forbidden but if it took place the son of such a marriage would not take the inheritance. The *Dayabhāga* takes *śogotra* 'jayate' to refer to the *Āgneya* son

863-864 The son of a woman who is not of the same caste etc.—If a brāhmana married a brāhmana girl and also a Kṣatriya girl the son born first would take the estate of their brāhmana father but not equally. The son of the brāhmana woman would take four shares of the estate while the son of the Kṣatriya woman three and so on. Vide Manu IX 15^a 154 and Yaj II 125 for the shares. Son of the woman—reverse order—this refers to the offspring of *pratiloma* unions (such as Kṣatriya or vaiśya man

same class with her husband (but is of a lower class) and is married in the proper order (takes the wealth of his father) But the son of a woman who is married in the reverse order does not take the ancestral estate, the approved view (of ancient writers) is that he should be given food and raiment till his death by his kinsmen

865 On failure of kinsmen he would obtain (inherit) the estate of his father. The kinsmen are not to be made to pay (food and raiment to the son of a pratiloma union) when the kinsmen have taken no wealth of his father.

(Property not liable to partition.)

866 All that (ancestral) wealth which was taken away by force from the family, or was lost (to the family) and which was recovered by the father himself by his own efforts, the father is not liable to share with the sons at the time of partition.

867 That wealth is said to be gained by learning

by Yājñ I 91 and parāśara by Manu (IX 178) and also Śaṅkara (Manu IX 160). All the sons except the *aurasa* are declared by Manu (IX 180) to be substitutes for the *aurasa* i.e. as secondary and the *Mayukha* distinctly says that all secondary sons except *dattaka* are forbidden in the present age. Hence the son of a brāhmana from a śudra woman cannot be recognised as a son according to the *Mayukha* whatever the views deducible from ancient *smṛitis* may be. Doctrines deducible from ancient sages (such as that of *nyaya* unequal distribution of ancestral property among sons) are not accepted by modern *śāstras* as applicable to the present age. The same rule should have been held applicable in the present case.

868 Compare Manu IX 200 Yājñ II 119 Viṣṇu 18 43 and Br. p. 371 v 12. In 5 Mad. H. C. R. 150 it was held that the rule was intended to apply strictly to hereditary property of which the members of the family had been violently or wrongfully dispossessed or adversely kept out of possession for a length of time.

869 This verse defines *vidyadhana* which has been a fruitful source of litigation in modern times. Verses 867-873 elucidate what is meant by *vidyadhana*. Compare Manu IX 206, Yājñ II 119 Viṣṇu 18 42 G. S. S. 28. At. Nar. p. 191 v 11. This verse is quoted in *Lexicon General* v. All. 65 (at p. 312) where it is said that the definition is not exhaustive but only illustrative.

which is acquired by means of learning received from another while subsisting on food furnished by a stranger

868 When a matter (a doubt or difficult point) has been placed (before an assembly of pandits) with a wager, whatever is gained by (showing one's superior) learning is known as vidyadhana (gains of learning), it is not divided at a partition

869-70 What is acquired from a pupil (i.e. by the profession of teaching) by performing the work of a priest at a sacrifice by propounding a question, by solving a doubtful point by exhibiting one's knowledge, by disputation with a

and it was held that, where a person learnt some astrology from his father and left his father at 14 and then made a fortune it was his self-acquisition. The following leading cases lay down the limits within which gains of learning may not be liable to partition 2 Mad H. C. 1, 56 6 Bom H. R. p. 1 L. R. 4 I. A. 109 15 Bom. 32, 45 Cal. 666 (=L. 1 45 I. A. 41), L. R. 45 I. 1, 16 (=2 Lahore 40) But now the Legislature has intervened and by Act XXX of 1930 all doubts have been removed and it is laid down that a Hindu member of a joint family who receives education at the expense of the family can keep his earnings as his self-acquisition, however high the expenditure may be

868 For another meaning of अप्रत्याये vide my notes on V. 31 § 213

869-70 By propounding a question (i.e. when a solution is given on a question made by a sinner as about the prāyaścitta for a sin, exhibiting one's knowledge - i.e. when there is a knotty Hindu point or when the question is what is to be lost and what at the latter among two evils to be chosen. The same is the rule for '— The contrast is between vidyā (purely literary studies) and śilpā (arts and crafts). Whoever acquires an art by his own exertion

rival, what is gained by deep learning — all this is declared to be *vidyadhana* and it is not divided at a partition.

The same is the rule even in the case of artisans and whatever is obtained (as a reward &c.) over and above the proper price of an article (becomes the self acquisition of that member who sells it).

871 After vanquishing an adversary in a wager whatever is obtained by (superior) knowledge should be known as *vidyadhana* (gains of learning) and is not liable to be partitioned. This is the view of Brhaspati.

872 What is gained by an assertion of one's learning what is obtained from a pupil (i.e. by teaching) and what is acquired on the analogy of priests officiating at a sacrifice — all these are known as *vidyadhana*, this is the view of Bhṛgu.

873 What is obtained by the superiority of one's learning and from a sacrificer (by officiating as a priest for him) and from a pupil (by teaching him) — all this is declared to be *vidyadhana* — acquisitions other than these are common (i.e. jointly owned) with others.

and not at joint family expense keeps his earnings as his self acquisition. 'Whatever is obtained &c.' — If a member of a joint family is entrusted with the sale of an article belonging to the joint family and by his skill he sells it for a price far in excess of its real value or he gets a reward from the purchaser the excess or reward is his separate property.

871 'Superior knowledge — of dice or gambling.

872 'By an assertion &c. — by saying 'I alone of the assembled people know this science' and proving this to be true. 'Iti' *nyāya* is explained by the Sm C and V M as *upadāna* (supervising a sacrifice &c.) Vide Manu VIII 206 210 about the rewards of officiating priests at sacrifices.

874 Uśhaspati declares that the wealth acquired by valour (in battle) by brothers who were instructed in the family or by the father is liable to be divided (among all the members of the family)

875 A learned man should never give to his unlearned kinsmen (brothers &c) anything from his gains of learning; but a learned man should give his gains of learning to those (of his kinsmen) who are equally learned or more learned than himself

876 Where a reward was given by the king (or master) being pleased by the actions of a person who putting his own life in danger did an act of strength (or valour) whatever is thus obtained is the wealth due to valour

877 What is acquired by valour and by learning and what is known as wealth of the wife—all this is not liable to be partitioned by co-sharers at the time of partition.

874 'Instructed in the family' i.e. instructed at the expense of joint family property or by the other members of the family such as the grand father, uncle &c. In all cases of partition of *vidyādhana* the acquirer got two shares as laid down by Vas 17 51

875 The first half contains a prohibition against a learned man giving a portion of his self acquired *vidyādhana* to his brothers who are not learned. Compare Gautama 28 28 Nār p 191 v 11 says that out of wealth acquired by learning, not imparted at family expense one need not give a share of it to his unlearned coheirs if he is unwilling to do so but impliedly allows him to do so if he so wills

876 This is Katyāyana's definition of 'śauryadhana', which he distinguishes from 'dhvājābhita' (v 878). Other writers like Nārada (p 190 v 6) and Br (p 381 v 78) put both under 'śauryadhana'

877 'Wealth of the wife — *strīdhana* or *bhāryādhana* is wealth which a man gets at the time of being married. Br (p 381 v. 78) and Nār (190 v 6) speak of only 'bhāryādhana',

878 What is called 'dhvajābhṛta' is declared to be impartible. That is said to be 'dhvajābhṛta' which is recovered from a battle after putting one's life in danger of death for the king (or master) and after putting to flight the army of the adversary.

879 What is obtained at the time of marriage with a maiden of the same caste is known as 'kanyāgata' (coming with a maiden) wealth. It is declared to be pure and as promoting prosperity.

880 That is known as 'vaivāhika' (nuptial) which comes with the wife, all wealth of this sort should be known as the means of (performing) dharmas (religious duties).

881 Whatever is given at the time of marriage as meant for the bridegroom, all that is the wealth of the maiden and it cannot be partitioned by the coherers.

882-883 Money that is entered in a document, whatever is intended (or set apart) for a religious purpose, water, slaves, a *nibandha* that descends hereditarily, clothes that

879-880 *Manu* IX 206 and *Yaj* II 118 speak of 'vaivāhika' or 'audvāhika' as impartible. That is the same as the 'bhāryadhana' of *Nār* and *Br*. But *Kat* who has a great penchant for distinctions and definitions distinguishes between 'kanyagata' and 'audvāhika' both of which are really 'bhāryadhana'. The *V M* explains 'kanyagata' differently. It is that wealth which a man obtains at the time of giving his daughter in marriage in the *arṣa* form. But this is far fetched. Vide *Yaj* I. 52 and *Manu* III, 29 for *arṣa* form.

881 'Wealth of the maiden' i.e. wealth that may be called 'kanyāgata' as in 879.

883 'Money document'—this means 'bond debts not yet recovered'. It is possible to take the first half of 883 as one clause (as the *V M* does) the meaning being 'what is entered in a document as set apart for religious purposes' '*Nibandha*'—This is a technical word. It means 'a pension, a periodical payment in cash or kind or an allowance granted permanently by a king, a corporation or a village to a person, temple or a family'. The *Mit.* on

are worn on the body (every day) ornaments and whatever else that is not fit to be divided these should be so employed by co-sharers that they may be enjoyed (in common by all of them) at the proper time

Yaj II 121 gives as examples 'so many betel leaves from each bundle of betel leaves or so many betelnuts from each betelnut-load' (to be paid to a temple or Brahmana or other person) The Sm C gives as an example the agreement made by traders to deliver to a temple or brahmana every year or every month a fixed sum 'Nibandha' is paraphrased as 'vriti' by V M The word 'nibandha' is rendered as 'corrody' by Colebrooke in his Digest, but as observed by the Privy council in *Fathnangys v Dossakalliantrays* L R 11, A p. 31 at p 51 it is not a very happy translation Vide *Collector of Thana v Krishnanath I* L R 5 Bom 322 at pp 331-32 (for a discussion of what is included in a nibandha), *Collector of Thana v Hare Sutarani I* L R 6 Bom 546 (F B) at pp 555-559, *Lakshmandas v Manohar I* L R 10 Bom 149, *Jalindra Mohan v Ghanshyam I* L R 50 Cal 366 at p 271 (where an annuity was held to be a nibandha and various definitions of nibandha are given) 'Water'—Rights to water and wells belonging to a joint Hindu family are ordinarily impartible and so the burden of proving that a well was exclusively assigned to one member at a partition is on him who alleges it, vide I L R 36 Bom 275 and 379 'Clothes that are worn'—this means 'that clothes that are highly valuable and are worn only on festive occasions are to be divided' according to price Vide Br p 382 v 79-81 where he finds fault with Manu (IX, 219) and others for declaring that clothes and other things are impartible and suggests that they may be sold and the price divided &c These verses of Kat are quoted in I L R. 30 Mad 340 at p 341 and *Khushalchand v Mahadevji* (1875) P J p 276 refers to Kat and says that any portion once assigned for purposes of religion shall be excepted from partition so as to be kept available for its intended object Compare Guntama 28 44-45, Manu IX 219 and 200, Visnu 18 44, Saṅkha-Lakṣhita 'न वस्तुविभागो नादकषात्रालङ्कारापयुक्तं वामभाम्, अथ प्रचारयन्नादविभागश्चेति प्रजवति' quoted in V R p. 503) Kaut p 161 (उदकशान्पायनि निमित्तं भा विभजेद्वित्त्वाधारात्)

884 A pasture for cattle way, clothes (every day) worn on the body money lent and what is set apart for religious purposes should not be divided this is the view of Brhaspati

884 A. Whatever is declared as the rule of law in a particular country caste group or village (the king) should prescribe partition of heritage in accordance with that (This is the view of) Bṛghu

(*Fresh partition as to concealed ancestral estate*)

885 If (joint) wealth was concealed but is afterwards found the sons should divide it equally with their brothers in the absence (i.e. death) of the father

886 Whatever was concealed from each other (by the co-sharers) and what was divided in an unjust manner and whatever was recovered after (partition) should be partitioned in equal shares. This is the view of Bṛghu

884 It is better to read *rathya* (way) for 'rakṣa' (which may mean a reserved pasture or forest). If *rakṣa* is kept 'gopracara' would mean way for leading cattle. *Pracara* has two meanings, way or pasture. Vide *Shantaram v Vaman* I L R 47 Bom 380 at p 396 for the meaning of *pracara*. Compare Br p 382 v 84. *Prayojya* was explained as a book by *Pārjyā* (which says that they should not be divided with fools). Visnu 19 44 reads 'दायकं प्रवारकं न दायकं च पुत्रकम्'

884 A. This is practically the same as the last verse of the *Jautiliya* on *putravibhāga* (II 7 p 160). *Manu* II 118 speaks of the dharmas of देय जाति कुल and तप

886 Divided in an unjust manner i.e. divided by giving unequal shares recovered after partition i.e. debts due from debtors of the family if recovered after partition should be equally divided. The meaning is that all co-sharers are entitled to divide it and not be alone who finds out concealed wealth &c. Compare *Manu* IX 218 *Yaj* II 1.5 *Kaus* p 161 दुःखमन्वयोऽप्यवकृतं तद् नयन्ति नो ए न वा पुनर्विभक्तम्

887 Whatever wealth was acquired by a man after he became separated belongs to him alone (exclusively); but whatever is found after it was carried off (by strangers) or after it was (given up as) lost and what is mentioned already should be again divided.

888 (The king) should not by force compel the co-sharer to return (joint) wealth taken away by one co-sharer; he should not make undivided coparceners to return (the price of the) enjoyment (over and above their proper share)

(Partition of a joint field etc. even after a long time)

889-890 If a man, leaving the common country, goes to another country, his share should be given to his descendant when he comes (to demand it), there is no doubt. Even if he (the descendant) be the third, fifth or even seventh (from the man who left the country), he should get the share that descends hereditarily on his birth and family name being ascertained.

887 'Lost' — a deposit or debt that was regarded as irrecoverable at the time of partition mentioned already — This refers to verse 888 viz. wealth concealed from other co-sharers or inequitably divided.

888 The first half means that a co-sharer who takes away more wealth out of the joint property than would properly fall to his share should be made to yield up by other modes than force (such as trick &c.) Vide v 478 above and Br. p. 391 v 96. If when the family is undivided one co-sharer has more enjoyment of the joint property than others (because he has more children or because other members are absent) he cannot be made to account for the extra enjoyment to his co-sharers at the time of partition, because such excessive enjoyment by one is inevitable in a joint family. The *Vir. so.* is 'nirvartayat' which means 'the king should not prevent undivided co-sharers from enjoying the joint property'.

889-90 'Common country' = the country where he and his co-sharers lived. Vide Br. p. 373 vv 24-25 for same verse. Compare Art. 127 of the Indian Limitation Act.

891 The *gotrajas* (members of the family) should allow (a share in the ancestral) lands to the descendant of a man whom the *manus* and neighbours know to be a co owner (in the land) by descent, when he (the descendant) comes (after partition to demand his share)

892 If persons become separate as to ancestral wealth and then again begin to live together, they should again divide (their wealth after living together), but he who acquires property should get two shares

(*Indications of partition*)

893 When for ten years brothers reside (separately) doing religious observances separately and have separate transactions, they should be known as separate so far as ancestral property is concerned

891 The Sm C explains that this applies only to lands (and not to movables) and a share will be allowed after the lapse of a long time only as to land. For the meaning of *manus* vide v 743 above. This is the same as Br p 374 v 25.

892 This verse refers to a case where divided members again live together: re-unite and mix up their shares and one of them acquires more wealth with the help of the wealth that is reunited and so is common. In such a case the acquirer gets two shares and the other members who have joined together get one share each. If any one of the re-united members acquires wealth with his own efforts without detriment to the re-united wealth he would keep it as his self-acquisition. This is the explanation given by the *Dāyabhāga* following *Saṅkara*. Vide *Vasistha* 17 51 and Br p 381 v 77.

893 'Others'—this is illustrative and stands for all members of a family that was once joint doing separately—the *dharma*s are such as *Vaidvadera* when members are joint worship of gods *Vasavadera* and other *Mahayajnas* and rites are one. Compare *Manu* IX 111 *Gautama* 28 4 *Nār* p 108 v 37 and Br p 370 v 6. Transactions such as bearing witness lending money, standing surety &c. Compare *Nār* p 199 v 3840 and Br p 381 v 92 *Laṅkā* v *Daṇḍin* I L R 2 Bom. 293 refers to this verse (at p 309). This verse is almost the same as *Nār* p 199 v 41.

(*Denotation of stridhana and the kinds thereof*)

894 What was given before the nuptial fire, what was given at the time of the bridal procession what was given to a woman through affection what was received from the brother moth r or father this stridhana is declared to be sixfold

895 What is given to women (by anybody) at the time of marriage before (the nuptial) fire that is declared to be *adhyagni* stridhana by the wise

896 That again which a woman obtains when she is being taken (in a process on) from her father's house (to the bridegroom :) is termed stridhana of the *adhyavahanika* kind

894 Kātyāyana's treatment of stridhana is classical and the fullest of all smṛta writers. This verse is practically the same as Manu IX 194. The Mit explains that the mention of six is not meant to exclude a larger number but means that there cannot be less than six kinds. In *Bhagwadēn v Jñānaka II* Moore's Indian Appeals at 513 it is said that the Vivādacātamanī and the Mayukha confine stridhana within the definition of Manu and Kātyāyana and that they exclude the property inherited and the other acquisitions which are comprehended in the 1st clause of the para of the Mitāksarā. Compare Yaj II 143 Viṣṇu 17 18 for these and other kinds of stridhana. In the Taittirīya Saṃhitā VI 2 1 1 we read for the wife is master of household gear. This is the germ of the law of Stridhana. Āp Dh S II 6 14 9 says that the ornaments of a wife belong to her. Vas 17 40 refers to the marriage gifts of a woman and Baud Dh 8 II 24, 4 says the ornaments of a woman go to her daughters. Gautama 28 22-23 has three sūtras on stridhana.

895 The V R (p 593) says that when the married girl is taken back from the bridegroom's house to her father's what is given by her father in law and others is also *adhyavahanika* and the V C says that it is what is obtained at the time of *dvayagamana*.

897. Whatever is given (to a woman) through affection by the father-in-law or mother-in-law and what is received at the time of saluting the feet of elders is termed *prthidaita* (gift through affection)

898 That is declared to be *sulka*, which is obtained as the price of household utensils, of beasts of burden, of milch cattle, ornaments and slaves

899 Whatever is obtained by a woman after marriage from the family of her husband and also what is similarly obtained from the family of her (father's) kinsmen is said to be *anvadhaya* (gift subsequent)

900 Whatever is obtained by a woman through affection after her marriage from her husband or from her parents, that is *anvadhaya*. This is the view of Bhṛgu

898 ' *Sulka* ' generally means ' bride price ' i.e. the price paid by the bridegroom for giving the girl in marriage. Vide *Manu* III 51 who prohibits the taking of a *sulka* by the father of the girl for himself, but in III 54 allows *sulka* being taken if it is kept apart for the girl herself. The *Sm C* and *Vir* explain it as the price of the articles which the bridegroom was in the habit of presenting to the bride at the time of marriage or when he started a home. The *Dāyabhāga* explains that it is either that wealth which is obtained by a wife as a bride from artisans for inducing her husband to embark on building a house etc. or it is what is given to a married girl for inducing her to go to her husband's house.

899-900 The two verses convey practically the same meaning. Many digests omit 900. If v 900 is really *Kāṣṭhāyana* as the *Dāyabhāga* and *V R*, say then *Kat* is therein merely transcribing Bhṛgu's view which somewhat restricts the scope of *anvadhaya*. Vide *Manu* IX. 193 which contains the word '*anvadhaya*'. In *L. L. R* 33 Cal 313 the definition of *anvadhaya* (v 899) is quoted (at p 320) and it is held that a permanent lease at a nominal rent granted by a father to his married daughter is her *anvadhaya stridhana*. In *Sutabai v. Parvathoo* 3 Bom. L. R. 201 H is said that *anvadhaya* extends to gifts from parents as well as to gifts from the husband (p. 206)

901 That is known as *sandāyika* which is obtained by a married woman or by a maiden in her husband's or father's house from her brother or from her parents

(Discussion of ownership of *stridhana*)

902 The father, mother the husband, brother and kinsmen should give *stridhana* to a woman according to their means up to two thousand (*panas*) except immoveable property

901 *Sandāyika* is a technical word used in a peculiar sense by Kāt. For its derivation vide my notes to V. M. p. 285. *Sandāyika* comprehends several kinds of *stridhana* property. It is specially coined for saying that over *Sandāyika* *stridhana* a woman has absolute power of disposal even during her husband's lifetime. It is that wealth which a woman receives from her brother or parents or their relatives but not from her husband or his relations. This is the interpretation of the Sm C and V. I. (p. 511) but the *Dāyabhāga* reads 'अङ्गं वसुध' which runs counter to this explanation. In I L R. 39 Mad. 298 Kattayana's definition of *sandāyika* is quoted (at p. 300) the views of the Sm C and other digests are set out and it is held that a gift by a father of immoveable property to his daughter before marriage was *sandāyika* and at her absolute disposal. In 3 Bom. L. R. 201, at p. 207 it is said that *Sandāyika* is not used in contradistinction, it is a *synonym* in connection with succession.

903 Whatever was given to a woman on an occasion (or condition) or with a fraudulent intent by the father, brother or husband is not held to be stridhana

904 In that wealth which is obtained (by a woman) by mechanical arts or from a stranger through affection the ownership is of the husband, the rest is declared to be the stridhana

905 906 On obtaining wealth of the *śūdrayika* kind it is held (as desired) that women have independent ownership (over it), since it was given by them (by the kindred)

903 If the father or husband gives some ornaments to his daughter or wife for wearing on some special occasion (*upādhi* means condition) or if a father or husband in fraud of his coparceners gives some family property to his daughter or wife that cannot become her stridhana

904 A stranger is one who is a friend but not the father or brother or other near relative. This verse according to the *Dāyabhāga* and *Viv* means that over such wealth the husband has complete power of disposal even when he is not in distress and the woman who acquires it has no power of gift or sale over it without the husband's consent. But the object of the verse is not to deny that it is stridhana at all. In *Mukha Samakṣina v Nārāmuchi Gaudin* 33 Mid 1036 this verse of Kāt is quoted (at p 1040) and it is held that all the texts recognise the wife's ownership in the property acquired by her own labour; they only restrict her right of alienation and make it subject to the wishes of the husband and that where husband and wife jointly earned profits in a trade and purchased properties, the properties were jointly of the husband and wife and on the wife's death her interest devolved on her heirs and not on the husband.

905 906 In order condition — this is the explanation of *Anuṣṅgyartha* according to *V R* p 511, others explain it as meaning 'out of affection' always — even during husband's lifetime. The Digests quote a text of *Nārada* that over gifts made by the husband through affection women have absolute power

as a support in order that they may not be reduced to a terrible (or wretched) condition. It has been declared that women always have independence in such things as wealth as regards sale or gift at their pleasure and even in immovables (if *saudāyika*).

907 A woman, when her husband is dead, may deal with the gift given by her husband just as she pleases, but

of disposal except over immovables (which she cannot dispose of at her pleasure even after his death). Vv 906 906 are quoted in 1 Mad II C R p 85 at p 90 (note). *Bhagirthiā v Kāñcayā* 11 Bom 285 (F B) refers to Kat on *saudāyika* (at p 302). In *Rāou v Raghunāth* 1 L R 34 Bom 229 these two verses and the definition of *saudāyika* are quoted (on p 238) and it is held that except as to the kind known as *saudāyika* a woman's power of disposal over her *stridhana* is during coverture subject to her husband's consent and that she cannot dispose of such *stridhana* (other than *saudāyika*) by will where the husband survives her and is not shown to have assented to the will. Vide *Bhagavanta v Ba. Divak* 37 Bom L R 633 (where when a woman had lived 30 or 40 years apart from her husband inherited property from her father and willed it away it was held that she was in the peculiar circumstances of the case competent to dispose off by will without her husband's consent) where 30 Bom 293 was distinguished. Vide *Yathādhā v Jāyā* 1 L R 1 Bom 101 where verse 906 is relied upon (at p 123) for the proposition that a Hindu female is not on account of her sex absolutely disqualified from entering into a contract. In spite of the text of Nārada referred to above it was held in *Mulchan v Ba. Mincha* 1 L R 7 Bom 191 that an absolute bequest by a Hindu of his separate immovable property to his widow confers on her as full dominion and power of alienation over that property as if the bequest had been made to a stranger.

907 This verse is variously interpreted. Bhartidāya's is explained by the Sm C as the *stridhana* given to a woman by her husband through affection, while the V B and V C take *bhairdāya* as meaning the husband's own property. According to Sm C in *stridhana stridhana* a from the husband a woman has

she should preserve it while he is alive, or she may spend (the affectionate gift of the husband) on his family

908-910 If the husband has married two wives and he does not honour (reside with) her (one of them) he should be forcibly made to return (by the king the *stridhana* of the ill treated wife) even when she bestowed it upon him through affection (for him), where food raiment and residence are denied to (or withheld from) a woman, she may exact her own *stridhana* and also the share (that would have fallen to her husband on partition) from the coparceners (of her husband) This is the rule of law laid down by *Likhita* when she recovers (her wealth) she should reside in the husband's house if she is afflicted with disease she may at the time of death go to her kinsmen

after his death absolute power of disposal except over immovables given by him and that during her husband's life she can dispose of the affectionate gifts of the husband only with his consent (even moveables) The last *pāda* would also mean she may pass her day in her husband's family 'She should preserve it — means 'she cannot dispose of it without his consent' The verse is interpreted by V R and V C means a woman succeeding to her husband's wealth after his death because there is no son &c. may dispose of it as she pleases except immovable property and that when the husband is alive she can spend it only with his consent The V R (p 512) says that *Halayudha* and *Parījata* took *bhartṛdāya* to mean gifts of affection made by the husband and it prefers the view of *Prakāśa* I L R 1 Mad 231 quotes this verse at p 256

908-910 In 11 Moors I A 487 at p 511 and in 8 Mad 290 at p 291 this verse is quoted 908 909 are ascribed to *Devala* by V M but other ancient and weighty authorities ascribe them to *Kaṭ* Both 908 and 909 refer to the husband only 'Husband's house — that is though the husband does not honour her she must stay in her husband's house This is the old Hindu sentiment to which classical expression is given in the *Śakuntala* Act V verse 17

911-912 Neither the husband, nor the son, nor the father nor the brothers have authority (or power) over *stridhana* for the purpose of taking it (for themselves) or for giving it away (to others). If anyone of these forcibly consumes *stridhana* he should be made to return it with interest and should also be liable to a fine.

913-914 If a person (out of the husband, son etc.) were to consume *stridhana* amicably after obtaining her consent, then he would be liable to return only the principle, when he becomes well off (or rich enough to pay). Whatever (of *stridhana*) was allowed (to be taken) by a woman through affection knowing that (her husband) was afflicted with disease, engulfed in misfortune or harassed (or imprisoned) by creditors, the husband may return at his will.

911-912 Verse 911 is quoted in I L I 1 Bom 121 at p 123 and I L I. 1 Med 281 (at p 286) in the latter case it was held that a woman purchasing immovable property with her *stridhana* may dispose of it by will. The Sm C (III p 656) adroitly points out that by marriage a wife gets a sort of dominion over her husband's property though she is subordinate to him but the husband has not even that dominion over his wife's *stridhana*. With 912 compare Manu IX 200 and VIII 22.

913-914 The Sm C holds that verse 914 applies only to the husband while V R and V C hold that it applies to all those enumerated in verse 911. If we look at Yaj II 147 where the husband alone is expressly mentioned it appears that the interpretation of the Sm C is the proper one. Kaush p 132 (II 2) closely follows Yaj (अनङ्गुत्तरं नमो ब्रह्मविद्विद्वान् तं भर्तुं वाच्यं
> तं ब्रह्मविद्वान् नमो ब्रह्मविद्वान् तं भर्तुं वाच्यं) Yaj II 147 is quoted in I L R 'O' Vol 94 at pp 911 and 916 and it is held that 'taken' means 'taken and used'.

915 The husband the sons the brothers in law and kinsmen on the paternal side of a woman are declared to have no power over her *stridhana* while she is alive, those that deprive her of it should be fined

916 That *stridhana* which was promised (to a woman) by her husband should be paid to her as a debt by the sons (of the husband), provided she resides in the husband's family - she should not reside with her paternal family

(Hears to the wealth of a deceased woman)

917-918 Sisters having husbands should share with their brothers the *stridhana* of their mother this is the rule of law and a partition (among the brothers and sisters) is prescribed,

915 Vide v 912 and Manu VIII 29 who says that the fine is the one for a thief.

916 *The sons of the husband i. e. either her own sons or step sons This is only illustrative even the grand son would be liable to pay it as he is liable to pay a debt of the grandfather. The first half is attributed to Devala in V M Compare verse 910 above

917-918 There is great divergence of view as regards the succession to *stridhana* among the smṛti writers and the *subandha* *laxas*. The Mit. on Yaj II 145 speaks of two lines of devolution, one for *sulka* (following Gautama 28 23) and the other for all kinds of *stridhana* other than *sulka* (following Gautama 28 22 Yaj II 117 latter half). The Mayukha speaks of five different lines of devolution viz for *anecdhyas* and *dharmapradatta*, (II) for *Yaduta* (III) for *sulka* IV for *stridhana* of the technical kind other than the first three (V) for *stridhana* which is not technical. The two verses 917 and 918 are apparently in conflict the first saying that sisters whose husbands are living take along with brothers, while 918 says that sons succeed to *stridhana* only on

In the absence (i.e. on failure) of daughters the wealth (*stridhana*) goes to the sons (of the deceased woman), the wealth given by a woman's (paternal or maternal) kinsmen goes in the absence of *bandhus* to her husband

919 Whatever immovable property was given by the parents to their daughter always goes to her brothers, if she dies without progeny

failure of daughters . Therefore 918 must be interpreted to mean (in accordance with Gautama 28.23) that unmarried daughters succeed in preference to married daughters and sons . Verse 917 applies to a case where there are no maiden daughters and it lays down that married daughters whose husbands are living succeed along with sons . The word 'abhartṛkṛh' excludes widowed daughters of the deceased woman when there are married ones . The V R says that verse 918 (first half) applies to marriage gifts, *yautaka* and gifts given by father only . With 917 compare Manu IX 192 and vide the explanation of MR on Yāj II 145 of this verse of Manu where it is made to mean that full brothers take equally the wealth of their mother and that full sisters do so . The verse of Manu does not mean according to the Mit. that the brothers and sisters succeed together . Br p 383 v 87 and Nar p 191 v 3 both say in a general way that *stridhana* goes to the children . The Sm. C says that the latter half applies to the case of a woman married in any of the three forms of marriage viz *śrūta*, *raksas* and *paśāṇa* . That half may also mean 'on failure (of even sons) the wealth given by paternal or maternal relatives goes to such relatives and in their absence to the husband' . Compare with 917 Kaut III 2 p 153 'अपति मर्ति पुत्राय पुत्रा द्वाहृतस्य मयिन विम्वरत्' 'अपुत्राय दुहितः । तदवधि मर्ति' and with 918 (lower half) Kaut 'दुहितमवाधेयमन्यदाहपुमिदं वा-ववा ह्येव' . The *Maṇḍūkya* has 'putrāgāmi' in 918 . The *śāstra* says that 918 applies to *śūla* and the Sm. C that it applies to a marriage other than the first five .

919 'Without progeny'—this is illustrative here and in 92 ' and includes daughter's daughter and son and son's son also.

920. That stridhana which was obtained by a woman from her parents in the forms of marriage beginning with the *asura* is desired (held) to go to her parents on failure of her progeny

(*Heirs such as the widow to the wealth
of a sonless man*)

921 "A sonless (widow) preserving the bed of her husband (unsullied) and residing with her elders and being self controlled (or forbearing) should enjoy (her husband's property) till her death, after her the (other) heirs (of the husband) would get it (succeed to it)

920 'In the forms of *asura* — i e in any one of the four forms *asura gāndharva rakṣasa* and *paśara*. These four forms are said to be unapproved and the other four, *brahma, daiva, āra* and *priyapatya* are said to be approved forms. Vide Manu III 21 and Yāj I 38 61 for the eight forms. The essence of the *asura* form is the receipt of a bride price from the bridegroom. Compare Manu IX 197 and Yāj II 145 who prescribes that in failure of progeny stridhana goes to the husband, if the marriage be in the *brāhma* and other approved forms and to the father if it is in the *asura* and the other unapproved forms. Compare Kautilya p 152 (text)

921 'Should enjoy — i e, she has no power of sale or gift 'Heirs' of her husband such as daughter daughters son mother, father, brother &c. Being self controlled — the V C explains 'kṣanta' as not spending too much. Compare Dr p 377 vs 49 50 and Kaut (III 2 p 153) 'अनुया बलिदयन पारवता गुह्यमाये स्त्री यनमातु सवाङ्मूर्ति मापद्व द्वि र्त्विनम् । अथ दायाद व-उ । I L R 2 AR 150 (P B) refers to this verse of Lat (at p 152) and holds that subsequent unchastity does not cause a forfeiture in the case of a widow. This verse and v 924 are the foundation of the rights of a widow and the reversioners after her death. In 5 Patna 646 at p 676 this verse is quoted and it is held that a widow can make a gift of a small portion of immovable property to the bridegroom at the time of her only daughter's marriage. Vide 5 Lahore p 70 also. In *Bhagvandan v Myna Bai* 11 Moores I A 487 at p 511 this verse is quoted. 8 Mad 290 at p 293 quotes this verse and v 924

922-923 When her husband is gone to heaven (is dead) the wife is entitled only to food and raiment if her husband was not separated or she may get a share in (ancestral) wealth till her death (The widow) intent on serving her elders is entitled to enjoy the share allotted to her, if she does not serve (her elders), food and raiment should be assigned to her

924-925 (A wife) who keeps (the honour of) the family would get the share of her husband, when he is dead, till her death, but she has no power for gift, mortgage or sale (A widow) engrossed in religious observances and fasts, fixed in (the vow of) celibacy, always intent on restraining (her

922-923 These verses mean that when the husband dies or separated (or reunited) his widow may at the choice of the other members get a share in the joint family property or she may be given only food and raiment. Elders' is the father-in-law &c. Verse 922 is quoted in I L R. 3 Bom 424 at p 511 and at p 532 (F B)

924-925 These verses do not absolutely forbid a widow from making a gift or sale of her husband's property, on the contrary Kāt enjoins on her the duty of making gifts. As the V M says the prohibition as to gifts applies to gifts to birds &c. The Privy Council laid down in 8 Moo 1 A 29 that 'for religious and charitable purposes and those which are supposed to conduce to the spiritual welfare of her husband' a widow has very large powers of disposition. Verse 924 is referred to in *Narasimha v. Venkiah* 8 Mad 220 at p 222 and it is held that the restrictions on the widow's power apply to both moveables and immovables and in *Shankar v. Mysa* 11 Moores Indian Appeals p 487 it was held that both properties are included in the text of Kāt. *Pandharinath v. Gound* I L R 32 Bom 59 refers to this verse and holds that a Hindu widow is not competent to make a gift of moveables inherited from her husband (p 70). In I L R 42 Bom 136 both verses are referred to (at p 143) and it was held that a gift by a Hindu widow of 4/5ths of her husband's property for the religious benefit of her husband was not valid. Vide 11 All 130 at p 145. Even though useless—It was believed that one to whom no son was born did not go to heaven vide Ait Br VII 3 *nāputrasya lokottari* &c., Tai Sam VI 3 10 5 (about the three debts), Śaṅkha Brahmana I 7 2 1. Tai Sam I 4 46) *prajibhiraḥ*

sonless) and making gifts would go to heaven even though sonless

926 The widow if chaste, takes the wealth of her husband in default of her, the daughter (takes the wealth) if she be unmarried

927 Of a sonless man (the heirs) are declared to be wife of good family, daughters on default of them father, mother, brother and (brothers) sons

928 When a person dies separated (or in a state of separation) on default of sons his father takes his wealth or his brother, or mother or father's mother in order

amrtatvam asya An exception was made in the case of those who observed a vow of perpetual student hood. Compare *Up Dh S I 1 4 29* and *Manu V 159 160* (where it is expressly said that a widow who observes perpetual celibacy after her husband's death goes to heaven even though sonless just as ascetics who observed perpetual studenthood went to heaven without sons)

926 Compare *Manu IX 130 Nar p 201 v 60 Br p 378 vv 55 5* for the claims of the daughter. From *Ap Dh S II 6 14 4* (*dhātū va*) it appears that her claims were not clearly recognised in his day. In a competition between unmarried and married daughters the unmarried were preferred *vide* the well known *sūtra* of Gautama 28 27. It is to be noted that Kāt does not expressly require chastity in the case of the daughter as he does in the case of the widow (before the latter can succeed as he r). In *Aśyapa v P 704 I L R 4 Bom 104* this verse of Kāt is quoted (on p 114) and it was held that the daughter was not debarred from inheritance on the ground of incontinence. *Vide* also *1 All 46 (F B)*. In *11 Bom 285 (F B)* it was held that a daughter inheriting from her mother or father takes an absolute estate which on her death passes to her heirs but this is not the law in Madras, Benares and Bengal. *Vide* *L R 47 I A 213 at p 232*.

927 Compare *Yaj II 135 136 Vāsu 17 411* for the order among these heirs. There was great divergence of view on the order of heirs. *Vide* Gautama 28 19 *Ap Dh S II 6 14 2-4* Kāt p 160 (who omits *पुत्र*). *Sankha Lkhita* (अथानुस्य स्वपत्यं प्राप्नुमि त्वं पुत्रं मां मां विदोः स्वपत्यं न वा अयं) quoted in *Mt* and *Apararka*.

928 Compare *Manu IX 185* and *217* where the father, brothers, mother and father's mother are mentioned as heirs.

929. A wife who is full of evil deeds, who is immodest, who wastes property and who is given to adultery does not deserve (inherit) the wealth (of her husband).

930 Whatever a woman does that relates to (benefit in) future state (i.e. state after death) without the permission of her father, husband or son would become fruitless

931 Heirless (property) goes to the king after keeping aside (wealth sufficient to provide) for the women, the servants, and the *s'raddhas* (of the deceased), the wealth of a

929 This verse is quoted in I All 48 (1' B) at p 49

930 1a) I 85 says that father, husband and sons protect a woman respectively in her maidenhood, married life and old age and a woman has no independence. The same idea is expressed here. If a woman performs certain observances for the benefit of her soul after her death without the permission of the father and the rest, she does not reap the fruit of those acts

931 Compare Nār p 302 v 53 for a similar provision for the 'women (strī)'. The Mit, V M and other works say that 'women' here means 'the concubines of the deceased since a king cannot take the wealth when the wife is living. That the king was the ultimate heir and that the property of an heirless brahmana did not go to the king are propositions laid down by all ancient writers. Vide Baed Db S I 5 102 (अन्तर्गतं वाङ्मनसं नान्यथा परमं शब्द-
मिदं नान्यथावति), Mann IX 180 Ap Db S II 6 14 5, Gautama 28 39-40, Vas 17 83 87 (who requires it to be given to those learned in the three Vedas and those who are virtuous) Vāṇu 17 13 14 Kaṭ p 161 (अन्तर्गतं राजा हरतु स्त्रीपुत्रिभिरुत्तरादवसन् पत्न्यं श्रित्वैव वा-
त्स्वम्) This verse is quoted in I L R 2 Bom 573 at p 608 and is the foundation of the right to maintenance of a concubine (against the heirs of the deceased) recognised in modern decisions. Vide I L R 12 Bom 26 (where it is held after quoting this verse that continued continence is a condition precedent to a concubine of a deceased person claiming maintenance) 26 Bom 163 (where it was said that the concubine has no legal right against her paramour but on the latter's death, she has a legally enforceable right against the heir if she continued to be a concubine up to the

brahmana learned in the Vedas (when there is no heir) should be assigned to other learned brahmanas.

932 In the absence (of sons grand sons and great grand sons or the wife) the re-united coparceners are declared to take the wealth of (deceased re-united coparceners) and separated kinsmen of (deceased separated kinsmen), they being persons who mutually inherit though they are not the descendants of each other

(Gambling and prize-fighting)

933 One should not resort to gambling which inflames the passions and greed (of men), which engenders bad charac

death of the deceased and was contingent afterwards) This last case was approved of in L R 53 I A 163 (= 50 Bom 604) where it was held that an *overruled* woman (a concubine) of the deceased can claim maintenance from his heirs out of the estate of the deceased but it is not a condition that she should have resided in the same house with the deceased together with his wife and regular family Vide I L R 48 Bom 209 (where a kept mistress whose husband was alive was not treated as a concubine entitled to maintenance from the heirs of her deceased paramour) The wealth of a brahmana etc This direction of the ancient sages as to the wealth of a brahmana has not been respected in modern times Vide *Collector of Masulimam v Coraig Ienlot* 8 Moore's Indian Appeals 500 at p 537

932 This verse is somewhat obscure The translation is made according to V O and V R *nirbhāṅgyābhāgīna* is explained by V O as 'निरभङ्ग्यभङ्गिना' इत्यम्

933 Gambling is one of the most serious vices Rigveda X 34 is a hymn which contains the lament of a gambler There are numerous references to gambling in the Vedas vide Rig I 41 9 VII 86 6 Vājasaneyi Sam 30 18 (*akṣa rajāya kṛtaram*) Pāṇini (II 1 10 II 3 57 58 IV 4 2 and IV 4 19) in several sūtras explains words referring to gambling and mentions *akṣa* (dice) and *astakā* as instruments of gambling Ap Dh 8 (II 10 25 12 13) refers to gambling houses Manu (IX 213) defines gambling as that which is carried on with inanimate objects (like dice, draughts etc) and 'samāhṛaya' as that which is carried on by means of sentient beings (i.e. birds like cocks and animals like rams and bulls) Nar p 212 v 1 and Br p 385 v 3 make the same distinction Manu IX 22; 227 condemns gambling and calls

ters which is cruel, and causes loss of wealth to men

934 Since strife is certain (to follow) from gambling just as poison (is sure to) issue forth () from the mouth of a serpent, therefore the king should stop this vice in his country

935 If it (gambling) has to remain (has to be allowed) he (the king) should allow it to be done openly with an (ornamental) arch erected near the door (of the gambling hall) in order that respectable people may not be mistaken (about its real nature) and he should make it yield revenue (tax)

936 The keeper of the gaming house should make the gambling go on and should himself pay to the king (the latter's) dues He (the keeper) should take from the defeated party ten per cent as his profit

937 The keeper should give to the winner his money (out of his own pocket) and he should recover from the defeated gambler within three fortnights or at once, there is no doubt (about this rule)

upon the king to punish gamblers and winners and to banish them from the kingdom, while Kautilya (III 20 p 197 text) allows gambling under the supervision of the king's officers and Yaj II 199 203 also does the same and says that regulated gambling is helpful in detecting thieves Br p 380 v 1 refers to this divergence of views between Manu and other legislators

934 Since strife &c -compare Manu IX 227 which is the same as Mahabharata Udyogaparva 37 19

935 Gambling may be carried on secretly or openly Even Yaj II 203 prescribes that those who carry on gambling secretly should be branded and banished, with an arch &c - that is it had probably an arch with a sign board and from its exterior it must have been clear to everybody that it was a gambling den and not an ordinary habitation Compare Br p 386 v 5 for gambling being allowed only if done openly

936 Compare Nar p 212 v 2 / for a closely similar verse) and Br p 386 v 8 Yaj II 199 Kautilya (III 20 p 198 text) allows only five per cent to the keeper besides the hire for supplying gambling accessories and for water and accommodation The last half may also mean that he should take 10 per cent as interest if the defeated party has not paid down the wager in cash

937 The reading kutavad dharma samdaya (he should recover at once when there is doubt as to whether the money will be forthcoming) is better

938 Where (the throw) of a man playing with dice in gambling is the same as or double (of the previous throw) there the (former) gambler is the winner and his protection (from the other gamblers) is to be arranged for

939 Or the gambler (himself), after giving to the king his share (of revenue) as declared, should carry on gambling openly In this way he will be guilty of no fault

940 The keeper of the gaming house should make the defeated gambler forcibly pay what (the defeated) has to pay in the same place (i.e. in the gaming hall) and not else where, since the procedure (in gambling matters) entirely rests with the keeper of the gaming house.

941 A person ignorant (of gambling) if defeated (in gambling) should be released (from his liability), but one who knows gambling should not be released if he is defeated in secret (gambling), when one knowing gambling has lost his all (in a wager) he should not be made to pay his all

942 In disputes (among gamblers) in (deciding on) victory, in the matter of the gain (to the winner), and as regards the means (i.e. dice) of those who are (alleged to be) playing with false dice, the keeper of the gaming house if he is honest, is the final authority

943 In the case of *mlecchas*, *cāṇḍālas* (lit dog eaters), rogues, gamblers vesties the decision is to those who (are

938 The translation of this verse is merely tentative Compare a similar verse in Nar p 213 v 3

939 This verse is an exception to the rule mentioned by Br p 38 v 2 that gambling should be carried on under the eye of a master of the gaming house 'The gambler' includes also the plural 'No fault—i.e. he will not be guilty of depriving the state of its revenue and of engaging in gambling unauthorisedly Compare Nar p 213 v 8 which is the same

941 Compare Br p 38 v 7

943 The idea is that the king should not take upon himself to decide their disputes but should assign that work to other gamblers etc who alone are proper judges (and wiser) as also in such cases

alleged to) have violated their conventions does not rest with the king

(Miscellaneous)

944-946 Whatever was omitted in the preceding discourse (on the titles of law), and whatever is cut off from its proper context, what is taken from another system of knowledge and is not quite appropriate, what is stated at the close of the sâstra (i.e. of the dharmaśâstra) by way of illustrations and occupies the position of being (more or less) a repetition – those passages which are set forth in this way are called *prakīrnaka*. The duties of kings one's own duties and disquisition on doubtful matters and what is omitted from the preceding discourse all this is *prakīrnaka*.

947-948 (Fixing) a proper share (of the produce)

Vide Yāj II 202 (first half) Nār p 213 v 4 Dr p 386 v 6 for the same idea.

944-946 There is some difference as to the exact meaning of 'prakīrnaka'. Manu (VIII 47) does not enumerate among his eighteen titles such a separate title as 'prakīrnaka'. Yāj does not expressly name the word nor does he define it, but according to the Mit (and other digests) the last few verses (290-307) of his second chapter (on Vyavahāra) treat of prakīrnaka. This word literally means 'scattered about'. Nār p 214 vv 1-4 sets out the subjects that fall under this head, the first of which is transgression of the king's commands and the last is 'whatever is omitted from the discussion of the preceding titles of law'. and Dr p 386 v 1 says that *prakīrnaka* comprehends those causes that are instituted by the king himself (and not by a private person). It is therefore that the Mit (on Yāj II 293) says that that judicial investigation which is started by the king himself is prakīrnaka. Kāt mentions only a few out of the thirteen subjects that Nārada enumerates. In verses 949-951 Kāt. mentions some of the topics that fall under prakīrnaka according to Nārada. *Tantra* means *siddhānta* (propositions propounded in a system of knowledge or philosophy). Compare Nyāyasūtra I 1 28-31. It is difficult to connect the accents in 'dharmañ' in v 946 and to say definitely what 'svadharma' here means. We should probably read 'rājadharmā' 'svadharma ca' and 'svadharma' may be taken to mean 'the attributes of the soul'.

947-948 It is probable that the proper reading is 'śaikhāga' (1/10th of the produce). Kāt (II 15 p. 93) and Manu VIII 307 distinguish between 'śaikhāga' and 'kara', though very often 'kara'

as the king's dues of subsidies (from vassals) and of tolls what is to be paid at the pits divulging (the secrets) of a battle or conspiring with thieves assault on another's wife, desire to kill (: or attempt to kill) cows and brahmanas, destruction of crops - these ten : wrongs the king should himself look into (: or should start and investigate)

949 950 Non performance of *prayascittas* (penances), transgression of (royal) commandments and arrests (*śedha*), the obliteration (or destruction) of (the duties of) the *varnas* and *as'ramas* (the four stages of life), the prevention of the confusion of castes (finding of) treasure-trove (accumulation

simply means tax Kaṭṭ (II 21 and 22) has two chapters on the superintendent of tolls (called *śūlakadhyakṣa*) and on the levying of tolls. According to ancient ideas the king was entitled to one-sixth of all wealth (which was called his *ratana* wages in Śāntiparva 71 10) and also of the merit (*punya*) of his subjects. Vide Band Dh 8 I 10 1 (बह्वर्णभूतो राजा रत्न-पण्यं) Gautama X 74 (6th was the maximum) Vas I 42 44 (राजा तु वर्णेणानुहातव्यं यः पण्यं हरति : अथवा शङ्कणात् । रत्नपण्यं तु बहुमन्त्रं मन्त्रादि) Manu VII 130-132 and VIII 305. It is difficult to say what *garta* (pit) means, probably the reference is to mines. Vide Kaṭṭ (II 12) on mines as a royal preserve and also Viṣṇu 3 55. Under Sec 69 of the Bombay Land Revenue Code all mines and minerals belong to Government, except where Government has alienated its rights. For ten *aparādhas* mentioned by Pītāmaha vide note to v 27 above. For including the fines for ten *aparādhas* in royal grants vide grant of Dhruvasena of Valabhi (619-90 A D) in E. I vol. I p 65 and also in E. I I 55 E. I vol VI p 196. According to Narada quoted in Sm. C III p 63 transgression of commands killing a female confusion of castes illicit intercourse with another's wife, robbery pregnancy from a man other than the husband abuse, insulting (or obscene) language, assault and abortion were ten *aparādhas*. Vide Nar p 234 vv II 12

949 950 For *śedha* vide note on v 101. It would be better to read *kopanam* (fomenting or provoking) for *lopanam*. 'Treasure-trove' - the ancient Hindu Law on this point was that the finder of treasure-trove if he informed the king was to get one sixth and the rest went to the king that if the finder was a learned brāhmana he could keep the whole and that the king was to seize the whole and also inflict a fine if the finder did not inform the king

of) wealth without useful employment of it, (sudden) accession of riches in the case of an indigent man, — after clearly ascertaining these through spies, the king should himself employ preventive measures

951-952 Matters on which no express provisions are found in the *śāstras*, the wranglings of disputants about the burden (or means) of proof fomenting (dissensions or hatred) among the constituent elements of the state the mutual conventions (to be observed by the constituent elements of the state) whatever actions not permitted by the *śāstras* come into vogue among the subjects — these the king should (try to) settle (or reduce) by such expedients as conciliation division &c

953 (The king) should employ the punishment of words towards his allies (or friends) the punishment in the word ' *śa* ' in the case of ascetics. Whatever is expressly declared

Vide Gaṇtam X, 43-45 Vaa, III 13, Manu VIII 35-39, Yaj II 34 Yajnu III 2664 The Indian Treasure-trove Act (VI of 1878) requires the finder to give notice in writing to the Collector of the District (sec 4) and prescribes that on failure to give such notice he will forfeit the treasure and be punishable with one year's imprisonment or fine or both. Accession of riches etc. — the king was to investigate how a poor man at once became rich (whether it was by theft or other offences).

951-952 'Matters etc' — compare Manu XII 108 (where also the word *anāmanita* is used). The reading should be *kriyāvidhau*. The meaning of *kriyāvidhau* or *vidhinām* is not quite clear constituent elements of the state there are seven such elements (*prakṛtis*) according to Manu IX 294 (the king the ministers the country the treasury the fortified capital army and allies are the seven) and Kaṭṭ (VI 96 p 231) whatever actions etc — compare Yaj I 381 expedients — of royal policy are four vide notes on v 192 above and Manu VII 10-109

953 Vide notes above on v 451 where the four kinds of danda

(in the *śāstra* for a certain offender) that should be done in his case, if nothing is said (in the *śāstra*) then he (the king) should well prescribe (the proper punishment)

954 He who succeeds in his cause by means of false evidence (document) or by a false seal, should be made to pay the highest amercement

955 Those who are addicted to the pastimes (specially reserved) for kings, those who betake to the avocation of the king those who are given to speaking what is distasteful (to the king) should be awarded corporal punishment

956 Those who imitate the king in his appearance (dress &c), those who become spectators (when they should be doing their duties) those who recover more taxes (than are due) and those who steal the king's wealth should be punished with various corporal punishments.

957 —Same as 486 above

viz *vak*, *dānt*, *dāna* and *vadha* are mentioned Compare Br p 367
vr 4-8

954 Vide Manu IX 232, (who prescribes death for manufacturing a false royal edict) Yaj II 293 (who prescribes highest amercement for making unauthorized alterations in royal edicts) Śaṅkha—*Lakṣa* (सुव्यवसायसिद्धिं सुव्यवसायसिद्धिषु सुव्यवसायसिद्धिमानस्यद्वारे शरीरेषु चोद्यते) quoted in V R p 369)

955 Pastimes etc — we have to understand 'without the permission of the king' here and in the next clause, 'betake to the avocation of the king' i.e. those who take upon themselves the function of protecting the people (without the king's permission) 'those who are given to do' — the punishment is prescribed for persistent indulgence in uttering what is distasteful to the king (*viz.* praising his enemies &c) Compare Ya; II 302 303 for punishment for persistent utterance of what is distasteful and riding the king's own horse or sitting on his throne

956 Spectators — those who look on dancing &c that is going on before the king neglecting their duties as servants of the king those who recover — The V, II p 369 explains that those who take fine in excess of those declared by the king are meant,

958 (The king) should ask the culprit when (caught) handed in the man why he committed the offence and then having carefully brought the guilt home to him, he (the king) should prescribe the punishment.

959 When an offence is committed by any one, who is well-conducted through helplessness or ill-luck, in that case (the king) should not prescribe a punishment.

960 Kings who prescribe proper punishments are honoured even by gods, (the king) should award the first part of a fine for only beginning (an offence), the middle part for being in the midst of doing it, the (full) punishment prescribed (in the texts) for an offence is to be awarded when the whole offence is completed.

961 Kings and especially ministers would get this (hell) by not punishing sinners and by punishing those who bow (to the law).

962 Those who are dependent on another, and those who are reduced to slavery — these are said to be not their own masters. Beating is (the only) punishment in their case.

958 'Sachnam' — may also mean 'after branding on the forehead'. For various grave offences branding on the forehead was prescribed by Manu IX, 237 and 240.

959 'Through helplessness or ill-luck'; i.e. through fear or through mistake.

960 When a completed offence is constituted by several acts each of which is punishable, this verse prescribes a fourth part of the fine for the completed offence, if only the first of the several acts constituting the complete offence is perpetrated, half the punishment is prescribed when half of the acts constituting the full offence are committed.

961 Read 'enam' for 'evam', which latter makes no sense, 'bow to the law' i.e. who are on the right path and so do not deserve punishment. Compare Manu VIII 128 (who speaks of hell for doing this).

962 'Dependent on another' — such persons as wife, sons &c. 'beating' — they are not to be fined, but only corporal punishment is to be inflicted on them.

963 Beating (whipping), imprisonment and making him a laughing stock — these are the punishments (proper) for a slave, monetary punishment is not prescribed (for him)

964 The man who deserves capital punishment should be made to pay one hundred suvarnas (as fine in lieu of death sentence), one deserving of having a limb cut off (should be made to pay) half of that (i.e. 50 suvarnas), one deserving banishment (should be made to pay) twenty five (suvarnas)

965 In the case of offenders who are of high family or are respectable or possessed of good qualities, but who are not well off, (the fine should follow) the above proportions, or having seized their all (when they are not well off) the king should quickly banish these from the capital.

966 Those who have no wealth should be kept in jail, (the king) should not carry out the death sentence. In the case of all offenders, special procedure (as to punishment) should be observed in accordance with the (rules of *sāstras*).

967 A brāhmana who is guilty of an offence punishable with death or cutting off a limb should sit in a jail without having to do anything. He is (in that way) prevented from doing bad acts. That (keeping him in a jail without allowing

963 'Making him do'— i.e. tonsuring his head or making him ride an ass

964 For *suvarṇa* vide notes to v 494, compare Br p. 388. v 12 for a very similar verse

965 'Should follow &c'—that is if a hundred suvarnas can not be had, then a reduced fine may be awarded

966 This seems to ordain that death sentence should be as rare as possible

967 This refers to a brāhmana offender who was well-conducted and devoted to his duties till then. He should be confined in a jail and should not be allowed to do his duties. If we read '*śādikarma*'—the sense becomes easier, 'he is then not able to do his usual religious duties'. Compare Br p. 333 vv 10-11 (who forbids capital punishment for a brāhmana and recommends shaving.

him to do his religious duties) becomes the proper punishment for him

968 (A brāhmana) who gives false evidence should be banished a brāhmana who accepts a gift from a sinful person should be proclaimed (to all people) one who is guilty of cutting a limb of another should be deprived of the performance of his religious duties by being sent to jail

969 In the case of those who are guilty of offences similar to these similar punishments should be prescribed (by the king) In the case of minors old men, diseased persons and women, there is no punishment but that of beating

970 A king who follows the law should make (a woman offender) pay a fine out of her stridhana but a woman guilty of an offence who has no wealth deserves beating as punishment

branding and banishment instead) Manu VIII 370 Gautama 19 43 44 Band Dh S I 10 17-18

968 Manu VIII 123 and Yāj II 81 prescribe banishment for a false brāhmana witness and monetary fine for false witnesses of other castes Manu II 163 enjoins upon a brāhmana brahmachāri not to beg at the houses of grave sinners Manu V 75 says that ordinarily a brāhmana was to accept gifts from a pure person while X. 103 allows him to accept gifts from censurable people in times of adversity, but X. 109 says that gifts from unworthy persons are worse than even teaching those who should not be taught or officiating as priest for those for whom it should not be done Nārada p. 290 v. 40 enumerates people from whom gifts should not be accepted

969 This verse has reference to offences similar to those mentioned in v. 781 above Compare verse 487 for lesser punishments in the case of women Gautama (2 43) Manu (VII 16 and VIII 126) and Yāj I 368 enjoin that time, place ability age learning should be looked to in awarding punishment Manu IX 230 prescribes that "should be beaten with ropes &c.

971-97 What is unjustly acquired (by the king) should be consigned to the treasury, the treasury should be used for doing (meritorious) works, (otherwise) the king's undertakings will be destroyed, a wise (king) should not bring about destruction (of himself) All that wealth that arises from fines should be bestowed on (learned) brāhmanas and after transferring the kingdom to his son the king should betake himself to the forest

973 The king being always intent on observing the rules (of the śāstra) should act in this manner and should employ all his servants for the welfare of the people

971-72 Verse 971 cannot be easily construed It refers to fines wrongly imposed Yāj 31 307 says that the king should offer to Varuna (who is the king of kings) 30 times the fine wrongly imposed by him and should then distribute it among brāhmanas Manu (IX 344-45) asks the king to throw into *śvara* or to distribute among brāhmanas all fines imposed upon great sinners and not to put them in his treasury through greed Manu VI 18 speaks of the order of forest hermit (*vānaprastha*)

APPENDIX A

List of Cases and Law Reports referred to in the notes

The figures refer to the verses. The abbreviations employed are as follows—

Moo I A—Moore's Indian Appeals.

I, A—Law Reports, Indian Appeals

I L R Indian Law Reports

Bom—Indian Law Reports Bombay Series

Bom L R—Ratanilala Bombay Law Reporter,

Bom H C R—Bombay High Court Reports Series

Cal—Indian Law Reports, Calcutta Series

P J—Printed Judgments of the Bombay High Court

All—Indian Law Reports Allahabad Series

Mad H C R—Madras High Court Reports,

Patna—Indian Law Reports Patna Series

Patna L J—Patna Law Journal

Lahore—Indian Law Reports Lahore Series

<i>Aditya v Rudra</i> 4 Bom	<i>Collector of Masulipatam v.</i>
101-v 926	<i>Civil, Venkata S Mo I A</i>
<i>Bhagwanlal v Ba Dinal</i>	500 v 931
27 Bom L R 633 v 905	<i>Collector of Thana v Krishna</i>
900	<i>nath 5 B m 3 2 v 832</i>
<i>Bhagirthibai v Kahanoyarao</i>	<i>Collector of Thana v Hara</i>
11 Bom 283 (F B)-vv	<i>Satiram G Bom 346 (F B)-</i>
905 8	<i>v 852</i>
<i>Bhagwats Shukul v Ram</i>	<i>Debi Pershad v Tankur Dial</i>
<i>Jatan 45 All 267-v 859</i>	<i>1 All 103 (F B)-vv 255-56</i>
<i>Bhai v Hanumanth 54 Bom</i>	<i>Durjadal v, Gunesh 32 All,</i>
210 vv 903 6	<i>305 v 867</i>
<i>Bhugwandeon v Mynabes 11</i>	<i>Futtesingji v Denna Kallan-</i>
<i>M I A 483, p. 512 vv 604,</i>	<i>mya 1 I A 31 v 862</i>
<i>921, 924 25</i>	<i>Jatindra M'ham v Ghana-</i>
<i>Collector of Madura v Mootoo</i>	<i>shyam 20 Cal. 500 v 883</i>
<i>Kamanga 12 M. I. A. 327-</i>	<i>Ekwilachand v Mahadev-</i>
<i>vv 603-64</i>	<i>girs (1675) P. J 376-v, 882,</i>

Lakshmandas v Mawhar 10 Bom 140 v 882	Parasiam v Appasami 1 Mad H C R 316 v 545
Lakshmas v Easwari 2 Bom 903 vv 26, 316 893	
Muthu Rukrishna v Marimuthu Goun an 38 Mad 1031 v 904	8 Moo I A 29 vv 924 925 8 Moo I A 500 v 931 11 Moo I A 487 512-vv 894 908 910, 931, 924 25 12 Moo I A 397 vv 863
Moro v Ganes 10 Bom H C R 444 vv 8 5 56	~ 864
Mulchand v Jai Vancha 7 Bom 491 vv 905 6	1 I A 31 v 882 4 I A 109 v 867~ 8 I A 88 v 550 26 I A 71 v 556 43 I A 56-v 857 45 I A 41 v 867 47 I A 213 v 926 48 I A 162 v 867 48 I A 280 v 857 51 I A 129 v 560 53 I A 163 v 931 53 I A 204 v 560
Nayindas v Gachoo 43 I A 56 v 837	
Narasimha v Venkatacharya 8 Mad 290 vv 924 925	
Narajan v Venkatacharya 6 Bom L R 434 v 534	
Naratam v Lanka 6 Bom 413 v 546	
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APPENDIX B.

*List of important and technical Sanskrit words occurring
in the text of Kātyāyana The figures refer to verses*

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|--|--|
| Abhiyokta, complainant or plaintiff 121 | Anvadhī, delivery by bailes to another for handing over to the bailor, 611 |
| Abhiyukta accused or defendant, 121 | Anvāhita, „ 692 |
| Ācarita sitting dharna at the door of a debtor 586 | Anyākṛta, an attested writing 249 |
| Ādhibhoga, taking profits of pledge or mortgage in lieu of interest, 501 | Anyārtha irrelevant reply 181 |
| Ādhyagni, kind of stridhana, 895 | Anyavādi one who changes his pleading 202 |
| Ādhyāvahanika, kind of stridhana 896 | Aparādha matter investigated <i>ex motu</i> by king 948 |
| Āgama, title or source of title 317 | Apraviddha, ununderstandable reply 176 |
| Āhuta-prapālāyi, party absconding after summons 202 | Āpta one who speaks the truth 347 |
| Ājnakraya, sale of land by king for state revenue 701 704 | Āpta 361 |
| Ākramodhi, a woman married in an improper order, 863 | Ārthin, plaintiff or complainant 89 |
| Ākula, making no sense 185 | Asāra, absurd (reply) 186 |
| Anakalabhrta (a slave) muntained during a fam na, 731 | Āśedha restraint on or arrest of suitor 105 |
| Āndika, same as Karsāpana, in Panjab 494 | Āśīla indecent 769, 771 |
| Anirdista, 520 | Ātatayin desperate man, felon, 803 804 |
| Anugama certainty that there is no title 321 | Ābhūti too wide reply 179 |
| Anuṣista, decision on testimony of witnesses 495 | Ātyayika matter of an urgent nature 365 |
| Anvadhya gift subsequent made to a woman, 899 900 | Avāraya transfer by a bailes 711 |
| | Avyāpaka, not meeting the roughly, <i>ex parte</i> 182 |
| | Bhogaśābha a kind of interest 809 |

- Bhogyādhi** a pledge that is to be enjoyed 516
Bhṛti, reward for finding out a lost article 644
Bhukti, possession 313
Caritra decision by usage 37
Cataspātha, public road 755
Dhānaka a coin equal to four kārāṇas 494
Dharmaka, a debtor 273
Dharma a method of decision in a suit 35
Dharmādūharaṇa, hall of justice 52
Dhatṛ, ordeal of balance 410
Dhvajāṛita booty recovered in battle after putting to flight the enemy 878
Dindra a coin, same as auvarṇa 494
Diva, an ordeal 411
Dufala, a person in the confidence of both parties 353
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Elacchāyāṛita } taking joint and several liability 537 538
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Gaṇa a group of brāhmanas 680
Gopachāra pasture or right of way for cattle 834
Gopyāṇi, hypothecation or simple mortgage 518
Gudā concealed witness 37
Gudhachāra, witness secretly moving about 370
Gulma, group of cādālas and other lowest castes 684
Hinavadi, a cast off or losing party 103 ff
Indrasthāna, 434
Jayapatra a judgment passed ex parte or without full trial 265
Kābani, equal to fourth part of masa and also of paya 493
Kāmakṛta, debt due to lust 564
Kanyāgata 870
Karāṇa a reply of a special plea 170
Kāritā a mode of taking interest 498
Kārāṇa a coin 493 04
Kārya madhyāgata, witness to whom something is divulged by both parties 376
Klīṣa, impotent person 861
Kośa ordeal by drinking water used in bathing images of Gods 452
Kṛiyā burden of proof 51, 211
Kṛiyadveṣa party shunning judicial inquiry 195
Krodhākṛta debt due to injury caused by wrath 465
Kṛta witness appointed by a party 300
Kṛtrika, a person on whose wife a son has been begotten by another according to dharmasūtra 809
Kula family as tribunal 82
Kuladharmā, usage of family 45
Kulya member of family as witness 357

- Lagna** a surety 530
Lakṣa, subscribing witness 140
 359 371
Lāṅgī one wearing peculiar
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Māsa twentieth part of *āśvā*
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Māṇa heretery 57
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Mritāntara a kind of witness
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Mula vendor of an article of
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 be the real owner 157, 615
Nagama trader or group of
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Nastika, owner whose goods
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Nibandha periodically recurr-
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Nigudhartha mysterious reply
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Nirārtha disclosing insignificant
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Nirātara a party remaining
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Nirastārtha one appointed or
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Nisprayojana 140
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Pañajaya defeat in a law suit
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Parivṛtti exchange 701
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Paścatkāra a judgment after
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Poganda a minor 345 a
Pradhivaka, judge 69
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Pramāṇa means of proof 214
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Pratīvādī any party to a lit-
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Pratyarthā defendant 145
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- Purusa, court's officer or bailiff 88
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 * Rajamārga, a royal road 755
 Rajasāmana, decision of a suit by royal edict 33
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 Sādhyā, point at issue, 213 216
 Sāgama, accompanied with title 317
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 Sāmānta, reunited to parent or 832
 Samsāha, near cognate relative 802
 Sandhapatra, deed of peace 256
 Sandigdha, ambiguous reply 120
 Sāṅgha, association of Bauddhas and Jainas 631
 Sāṅgraha, adultery 829
 Satya, a reply of confession or admission 165
 Satyāśikṣa, an earnest 541
 * Sandāyika, gift of affectionate kindred 901
 Sauryadhana, present earned by bravery 876
 S'ikhavaddhi, interest calculated every day 490
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 Sira, undertaking to pay fine on defeat 413
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 S'reni, guild 225, 349
 Staya, theft 796
 Stūtipatra, deed of conventions 154
 Stobhaka, informant about offences for money 33
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 S'ulka, price of household utensils &c 893
 Suvarna, a gold coin equal to 12 dhānaka, 494
 Svahasta l-khya, a document written in one's own hand 250
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